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U. S. Cong. H. of R. Hearings

To validate Chapters 52 & 54 of
the Acts of the Alaskan Legislature
Wash. - 1914



Class SH 342

Book 14
1917

TO CURE DEFECTS IN AND TO VALIDATE CHAPTERS 52 AND
54 OF THE ACTS OF THE LEGISLATURE OF
THE TERRITORY OF ALASKA

HEARINGS

BEFORE THE

COMMITTEE ON THE TERRITORIES

H. S. Long, HOUSE OF REPRESENTATIVES

SIXTY-THIRD CONGRESS

SECOND SESSION

ON

H. R. 11740

MARCH 13, 20, AND 31, AND APRIL 3 AND 7, 1914



WASHINGTON
GOVERNMENT PRINTING OFFICE
1914

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1914

COMMITTEE ON THE TERRITORIES.

HOUSE OF REPRESENTATIVES.

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J. A. FALCONER, Washington.

JONAH K. KALANIANAOLE, Hawaii.

JAMES WICKERSHAM, Alaska.

W. A. CATHCART, *Clerk.*

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TO VALIDATE CHAPTERS 52 AND 54 OF THE ACTS OF
THE ALASKAN LEGISLATURE.

COMMITTEE ON THE TERRITORIES,
HOUSE OF REPRESENTATIVES,
Friday, March 13, 1914.

The committee was called to order at 10.30 a. m., Hon. William C. Houston (chairman) presiding.

The CHAIRMAN. We have under consideration this morning a bill introduced by Judge Wickersham to cure defects in and to validate chapters 52 and 54 of the acts of the Legislature of the Territory of Alaska, approved by the governor of the Territory of Alaska, May 1, 1913, and for other purposes.

Mr. WICKERSHAM. Mr. Chairman, Mr. Sinnott would like to make a short statement.

The CHAIRMAN. We will be very glad to hear from Mr. Sinnott.

STATEMENT OF HON. N. J. SINNOTT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON.

Mr. SINNOTT. Mr. Chairman and gentlemen of the committee, I would like to present for your consideration a few communications that I have received from citizens of Oregon, and also one from the Portland Chamber of Commerce relative to H. R. 11740. These communications are protests against that feature of this bill which would result in the validation of the tax laws in Alaska in their bearing upon the salmon industry. The substance of the communication from the Chamber of Commerce of Portland, Oreg., is that this bill will result in taxes, licenses, etc., from three to four and one-half times as much as is paid by the fishing interests operating on the Columbia River. There are people interested in Portland, who say it will raise their taxes from \$4,000, which they pay now, to \$10,000. There is a telegram of like import from the Warren Packing Co., of Alaska, the stockholders of which reside in Portland, and there is also a letter from F. M. Warren, representing the Alaska-Portland Packers' Association. Some time ago I communicated with the chairman of the committee the wish of these people to be heard. They informed me that they desired to come on and present their side of the case to the committee. Personally, I know nothing about the situation. I informed them I would endeavor to apprise them of the date of the meeting. I also spoke to Mr. Wickersham about the matter, and I understood that I would receive information in time so that I could communicate with them so that they might appear before the com-

mittee and present their side of the question, and I would like them to have an opportunity to be heard before the committee. It takes about five days to come from Portland, Oreg., and I would like to wire them to-day when they will have an opportunity to be heard.

The CHAIRMAN. I would like to say in reference to your communication with the chairman of this committee, that I have some recollection of it, but lost sight of the fact that it was this bill we were to consider. It is just and right these men should have a hearing, and if you will indicate the time they will surely be here, we will have the committee meet for their benefit; that is, if it is within a reasonable time.

Mr. SINNOTT. I would like to have the chairman of the committee fix the date.

The CHAIRMAN. Could they be here within a week?

Mr. SINNOTT. I see no reason why they should not.

The CHAIRMAN. We will fix it then for next Friday.

Mr. WICKERSHAM. That will not interfere with our presenting such other evidence that we want to present in the meantime.

The CHAIRMAN. Not at all. If you have anything to present now we will go ahead with the consideration of it, and the other people can get the benefit of it when they arrive.

Mr. WICKERSHAM. There is no objection to that.

Mr. SINNOTT. No.

Mr. WICKERSHAM. Whatever we do in the meantime will be a matter of record and they can have copies when they come here. I would prefer, then, to take up another bill, the bill relating to the tax on railroads in Alaska.

Mr. SINNOTT. Mr. Chairman, I would like to have the communications I referred to appear as part of the proceedings.

The CHAIRMAN. Very well.

(The papers referred to are as follows:)

[Telegram.]

PORTLAND, OREG., *February 4, 1914.*

Representative N. J. SINNOTT,
Washington, D. C.:

We all ask your cooperation endeavoring defeat of H. R. 11740, introduced by Wickersham, which tends to more than double our now high taxes in Alaska, tending to force ours and other canneries out of business. Argue for a square deal for this great industry. Our Alaska cannery now pays \$4,000 tax. This bill would increase same to \$10,000.

EVERDING & FARREL,
Per ROBT. S. FARREL,
ALASKA PORTLAND PACKERS' ASSOCIATION,
PILLAR-ROCK PACKING CO.

[Telegram.]

PORTLAND, OREG., *February 4, 1914.*

HON. N. J. SINNOTT,
House of Representatives, Washington, D. C.:

We would greatly appreciate it if you can see your way clear to oppose Wickersham's H. R. 11740. This bill seems to validate acts of Territorial legislature relative to taxes imposed on canneries, which, in our opinion, are excessive, unjust, and discriminating, making this industry pay more in proportion to the business it does and to the value of its investment than it would in

States where property has some value outside of the business itself. This is practically the measure which we wrote you about before, requesting that you kindly be on the lookout for.

FRANK M. WARREN,
WARREN PACKING CO.,
ALASKA PORTLAND PACKERS' ASSOCIATION.

ALASKA-PORTLAND PACKERS' ASSOCIATION,
Portland, Oreg., February 4, 1914.

HON. N. J. SINNOTT,
House of Representatives, Washington, D. C.

MY DEAR MR. SINNOTT: There has been called to my attention H. R. No. 11740, introduced by Representative Wickersham, of Alaska. We have wired you to-day relative to this measure, requesting, if you can see your way clear to do so, that you kindly oppose its passage. This measure seeks to confirm and correct bills passed by the territorial legislature relative to the taxing of canneries in that District.

As we wrote you before, we are already paying to the Federal Government taxes which, in the aggregate, are fully equal to what similar industries are paying in the States where property has some value outside of the purposes to which it is put. If this measure is passed, it would work a very great hardship on the industry and would obligate the cannery to pay taxes from two to two and one-half times as great as they would be called upon to stand here.

We feel that there is a disposition in Alaska to discriminate against the cannery interests as aliens, and to tax them entirely out of proportion to the mining and other industries of that Territory. If this measure is passed it would not only validate this particular act, but it would practically give to the Legislature of Alaska a free hand to do as they saw fit in the future. It is true that the cannery have no vote in that District, and it would be a certainty that the legislature would always be after them rather than those whose principals lived in the Territory.

We wish you would keep this matter in mind, and if there is to be any hearing on the measure it might be that we would be able to arrange to be represented at that time.

Thanking you for anything you can do for us, we are,

Very truly, yours,

F. M. WARREN,

(Representing Alaska-Portland Packers' Association and Warren Packing Co.)

PORTLAND CHAMBER OF COMMERCE,
Portland, Oreg., March 7, 1914.

HON. N. J. SINNOTT,
House of Representatives, Washington, D. C.

MY DEAR MR. SINNOTT: Complaint has been made to the commercial interests of the Pacific coast that the effect of H. R. 11740, Sixty-third Congress, second session, introduced by Mr. Wickersham, would impose extraordinary burdens upon the fishing industry of the Alaska coast if it became a law. It has been stated by those who have investigated the subject that validation of the measure attempted by H. R. 11740 would compel a portion of the northern fish industry to pay in taxes, licenses, etc., from three to four and a half times as much as is paid by fishing interests operating on the Columbia River. It is also presented that the effect of the toll-tax measure covered by H. R. 11740, if it became a law, would permit Alaska to discriminate in a most burdensome way against the labor imported into the territory to carry on the fishing industry during the season when fish packing is in progress, this discrimination being wholly out of keeping with the customs prevailing between States of the Union, and evincing a spirit that might easily be construed as against the proper and normal commerce that has always maintained between units of the American Republic. In view of northern labor conditions it may be said further that the packing industry is dependent upon imported labor.

We desire to urge, in the spirit of a community bearing a close relationship to the commerce of all the North Pacific, the very highest protection and encouragement for the fish industry of Alaska. Its enormous value to the masses of the world as a food supply, must be held supreme in American consideration. The cheap salmon, halibut, herring, and fertilizer sent from Alaska is of inestimable value to the whole people. Everything that the Federal or District Governments may do to make this industry less costly, insuring maintenance of the enormous low-priced food supply, must be done. Instead of taxing the Alaska fish industry more than that of the States, we would urge a less tax, if possible, with the hope of getting artificial propagation established on a great scale, and making the expansive coastal waters a permanent fish supply of perhaps the greatest value to mankind of any ever yet opened. Instead of taxing the fish industry to aid others of the northern Territory, we favor calling upon other industries to bear a portion of the burden that might fall upon fishing, where these other industrites have less food value.

We also desire to emphasize the precarious condition through which the southeastern Alaska fish industry is passing. There, where the cheapest canned fish known to the American Continent has been produced, are seen many failures, because the companies can not earn a living profit on their investment. Additional taxes and burdens at this time might prove a disaster, driving from the business of producing food many other companies.

The commercial interests of the North Pacific appeal for full, fair, open commercial relations between Alaska and the rest of the Union. We urge Congress, in exercising its powers, to view the Territory with reference to the maximum good for the greatest number of people. Extraordinary or repressive taxes or regulations should not be countenanced. All industries should bear their share, but none should be singled out for penalizing or repression. In establishing laws and conditions of the northern Territory we earnestly hope that these fundamental principles of equality in commerce and industry will be recognized.

Sincerely, yours,

E. C. GILTNER, *Secretary.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TERRITORIES,
Friday, March 20, 1914.

The committee met at 10.30 o'clock a. m., Hon. William C. Houston (chairman) presiding.

The CHAIRMAN. Gentlemen, we will first take up H. R. 11740.

Mr. CURRY. Mr. Chairman, I understand that there are some people on the road here from Seattle and other places who wish to appear before the committee in reference to this bill, H. R. 11740.

The CHAIRMAN. Yes; we have the same information—that several parties desire to be heard and are on the way here from the Pacific coast.

Mr. CURRY. I have some communications from San Francisco, one of which is from the Alaska Packers' Association, in regard to the bill. A number of institutions there are very much opposed to this bill, and I understand that Judge Wickersham only introduced it as a matter of form and that he is not particularly interested in it.

Mr. WICKERSHAM. The gentleman is very much mistaken. I introduced this bill because I am very heartily in favor of it, and I want it passed. I think the gentleman is not acquainted with the situation or he would not make that kind of statement.

Mr. CURRY. Then I do not think there is any harm in waiting until the people who are interested in the bill and affected by it have an opportunity to be heard. I call attention to the fact that the Alaska salmon has kept the price of certain foodstuffs down to the minimum for a great many years, and that salt salmon and canned salmon

constitute one of the staple articles of food that has not increased in price during all these years when the price of other foodstuffs has been going up. Salmon is pretty well taxed, and I think these people ought to have an opportunity to come here and be heard.

The CHAIRMAN. When do you expect them here?

Mr. CURRY. I do not know. They left Seattle yesterday.

Mr. McCORD. Mr. Dorr, who represents a number of Alaska people, requests me to ask you to continue the hearings for one week and to say that that would be entirely satisfactory.

Mr. CURRY. I do not suppose you would object to that, Judge?

Mr. WICKERSHAM. Yes; I do object.

The CHAIRMAN. Mr. Curry, are you through with your statement?

Mr. CURRY. Yes, sir; I am through with my statement with this exception: I want to state that I would like very much to have the hearing on this bill postponed until the people who are personally interested in the matter can come here and be heard.

The CHAIRMAN. Let me make this statement: It might be very well to proceed this morning and hear all the parties present who want to be heard with regard to the bill. The hearings will be printed, and those that follow later on will have the advantage of seeing just what statements have been made. By that means we might make some time by going on with the bill.

Mr. CURRY. I do not mean by my proposition that I would deprive any person present of the privilege of being heard now, but I would like not to have the matter closed up until these other people can come here and be heard.

Mr. WICKERSHAM. Nobody wants that done.

The CHAIRMAN. Is there anyone here who wants to be heard on the bill this morning?

Mr. JOHNSON. What has become of H. R. 9770?

The CHAIRMAN. It is pending before us as well as this bill. The Chair understood that there were some parties here who desired to be heard on the bill H. R. 11740, and for that reason it was called up. The Chair called up H. R. 11740 to see whether anybody was ready to go on with it.

Mr. CURRY. These people in San Francisco, the Alaska Packers' Association, did not know anything about this bill. They have not been notified about it.

The CHAIRMAN. They ought to have known about it, and they ought to have exercised reasonable diligence to find out about it. Some of the gentlemen interested were informed by the committee that they would have an opportunity to be heard, but they must not depend on the committee to notify them about the hearings. They must keep in touch with the matters themselves, and by inquiry ascertain what is the status of the matters in which they are interested. Of course we can not undertake to notify every man all over the country of the actions of the committee.

Mr. CURRY. They supposed that they were in touch with the matter, possibly, through me, but I did not know about it.

The CHAIRMAN. They could have ascertained. Of course they should have an opportunity to be heard.

Mr. CURRY. I do not see how these people could know about it, because as a member of the committee I did not know it.

The CHAIRMAN. If they had written to the chairman of the committee or to the clerk within the last few days they would have been notified.

Mr. CURRY. Of course I have no objection to the hearing going on, and the only thing I ask is that these people be given an opportunity to be heard.

The CHAIRMAN. They shall have that opportunity.

Mr. WICKERSHAM. There are gentlemen here representing them as attorneys.

Mr. BRUNER. Mr. Chairman and gentlemen of the committee, I have no objection whatsoever, so far as I am concerned, to having the hearing proceed. I appear on behalf of the revenue bill that was passed by the Territorial Legislature of Alaska, and I have no objection whatsoever to a full hearing being had. I concur in the statement of Mr. Curry, so far as that is concerned. I wish to be heard upon this bill, but I do not care to appear before the committee until the objections to the bill have been made public. I do not care to appear before the committee until the protests, such as they are, have been made public by the other side.

Mr. BRUMBAUGH. You are for the bill, then?

Mr. BRUNER. Yes, sir. I will say to the members of the committee that I am very surprised that any objection has been made to the bill. There was none made to our revenue act at the time it was passed, and there was none made until a month afterwards.

The CHAIRMAN. There are some attorneys present who are interested in this matter.

Mr. BRITTON. As representing the Alaska Packers' Association, knowing that this bill had been introduced, we filed a written request with the committee asking that, when the bill was ready for consideration, we be given an opportunity to be heard and to have the chance to obtain the presence in Washington of the representatives of the associations who are familiar with the facts. We did not have an opportunity to wire those people a definite date for the hearing until a few days since, when we wired them a definite date, and they have made their arrangements and are either leaving to-day or to-morrow for Washington. There are other people who desire to appear. There is a delegation from Seattle and a delegation from Portland who are interested not only in the tax on salmon, but in the lightering and tonnage taxes, and they are opposed to the bill. Those delegations have left Seattle and Portland and are now on their way. Personally, I would be opposed to going ahead with a desultory talk upon certain features of the bill. I am in favor of waiting until the people who are familiar with the exigencies of this business, who know what it means to have this tax imposed, who know what it means to be taxed to the extent that this bill proposes to tax them, are here. When they are here, we can go into the matter in all its phases, and get our statements in definite, tangible shape for submission to the committee. Personally, I would like to have that feature of the case go over until these different gentlemen can reach Washington, and then we can all be heard together.

The CHAIRMAN. There is no occasion for the bill to go over if there is anybody here who wants to be heard. The people who desire to follow will simply have the additional advantage of having in printed form the statements of those who have preceded them in the hearing.

Of course, there should not be any unnecessary delay about it, but we can give such delay as will enable those who desire to be heard to come here and appear before the committee.

MR. WICKERSHAM. I would like to ask Mr. Britton whom he represents?

MR. BRITTON. I represent the Alaska Packers' Association.

MR. WICKERSHAM. Who is coming for that company?

MR. BRITTON. Mr. Tempson.

MR. WICKERSHAM. When does he start?

MR. BRITTON. He starts to-day. The telegram states that "Timpson will leave here on 20th."

MR. WICKERSHAM. What other gentlemen are coming?

MR. BRITTON. Mr. Dorr telegraphed that he had left Seattle, and there is another delegation from Portland leaving the following day.

MR. McCORD. Mr. Chairman and gentlemen of the committee, I represent the Pacific American Fisheries, who are interested in this taxation question. They are interested both in the salmon tax in Alaska and also in the tonnage tax and lighterage tax. Representatives from that country—people who are familiar with the actual conditions, and not attorneys—are on their way from Seattle now, having left there yesterday. I do not want to make any argument at this time until I can confer with the people who know the facts and the conditions. I want to confer with them first so that I can argue intelligently. Mr. Dorr, who represents a number of independent canneries in Alaska, is on his way here, and wired me that he left Seattle yesterday and that he would reach Washington on Monday. He requested me to ask the committee to postpone the hearing for two, three, or four days after he arrived in Washington so that he could make preparations. For that reason, and at his request and at the request of the people I represent, I ask that the committee continue or postpone this hearing until next Friday. Of course, I have no objection to Mr. Wickersham or anybody else who wants to be heard in support of the bill proceeding now, but, so far as I am concerned, I want an opportunity to be heard after I can confer with the people who are interested.

MR. WEBB. Mr. Chairman and gentlemen of the committee, I represent the Northwestern Fisheries Co., of Seattle, and I have a telegram from Mr. C. H. Buschmann, the secretary of the company, dated March 18, in which he says:

Dorr leaves for Washington to-morrow morning. Warren, of Alaska Portland Packers, and Gorman, requested by Alaska Association, make trip to Washington also.

I concur in the statements of Mr. Britton and Mr. McCord, and ask that, so far as we are concerned, we have an opportunity to be heard later on. I would like to have an opportunity afforded Mr. Dorr to make a full statement in regard to the Alaska fisheries, as he is one of the most prominent men connected with that business, and he has also had a legal training and is now practicing law.

MR. WICKERSHAM. I wish the gentlemen who have letters and telegrams in regard to this bill would put them in the record so that we may have an opportunity of examining them.

MR. JOHNSON. I have so many letters relating to the salmon fisheries matter that I do not know how I can segregate those that are

pertinent to this bill. A good many of them pertain to the treaty and some to the "dating of cans" bill. I have one in particular here in regard to this bill, stating that Mr. C. W. Dorr, of Seattle, was leaving on the 20th and would like to be heard two or three days after his arrival here. Then I have another telegram signed by G. B. Gill, secretary of the Halibut Fisherman's Union of the Pacific, containing 1,500 members; P. E. Olsen, agent Alaska Fishermen's Union, containing 2,500 members, and the New Seattle Chamber of Commerce, by C. B. Yandell, secretary. The telegram is as follows:

SEATTLE, WASH., March 18, 1914.

HON. ALBERT JOHNSON, M. C.,

Washington, D. C.

It is vital to the fisheries of Alaska that all possible information shall be submitted to Congress before any fisheries legislation is passed to that end. It is extremely important that the *Albatross* shall be placed at the disposal of representative of the Department of Commerce, who has been detailed to investigate those fisheries.

We earnestly urge that the steamer be so immediately assigned as we think this be most important service it can now render. Please communicate with the Department of Commerce on this subject. This investigation should be thoroughly made before any further legislation is passed which in any way affects the fisheries of Alaska.

G. B. GILL,

Secretary Halibut Fishermens Union of the Pacific.

(Containing 1,500 members).

P. E. OLSEN,

Agent, Alaska Fishermens Union.

(Containing 2,500 members).

NEW SEATTLE CHAMBER OF COMMERCE,

C. B. YANDELL, *Secretary.*

I call attention to the statement in this telegram:

It is extremely important that the *Albatross* shall be placed at the disposal of representative of the Department of Commerce who has been detailed to investigate those fisheries.

I am not certain whether that refers to this bill or to other fishery matters, but I suggest that these salmon fisheries matters are coming up pretty rapidly. I have notified the people in southwestern Washington, who are interested, as rapidly as possible in regard to these matters, but this matter of the treaty that was up the other day was news to them in a way, and as to this bill, I had only had notice of it one week ago.

Mr. WICKERSHAM. It was introduced on January 16.

Mr. JOHNSON. But we have been busy with other bills.

The CHAIRMAN. There is no trouble about giving sufficient time for these people to be heard.

Mr. JOHNSON. I suggest that these two pieces of territorial legislation referred to in the bill, entitled "Chapter 52 (H. R. No. 96)" and "Chapter No. 54 (H. R. No. 98)," be put in the record this morning, and that report printed so that we can get at it easily.

Mr. WICKERSHAM. I have them here, and I propose to read them to the committee this morning, if you will listen to me.

Mr. CURRY. Do you want the telegrams and letters inserted in the record this morning?

Mr. WICKERSHAM. I would like to have them in the record.

Mr. CURRY. I have received the following telegram from Frank B. Peterson, president of the Red Salmon Canning Co., of San Francisco:

SAN FRANCISCO, CAL., March 18, 1914.

HON. CHARLES F. CURRY,
House of Representatives,
Washington, D. C.:

If House bill 11740 passes, Alaska salmon canners here will be taxed five times without local taxes for salmon in warehouse, which would make six taxes. We are already taxed to death. This company, in existence 13 years, and not a dividend. Please use your utmost influence to kill this bill, and try your best to have committee await arrival of packers from here before making their recommendations. Writing members of committee fully giving our arguments.

RED SALMON CANNING Co.,
FRANK B. PETERSON, President.

I will now read a letter from Mr. Henry F. Fortmann, president of the Alaska Packers' Association:

SAN FRANCISCO, March 13, 1914.

HON. C. F. CURRY,
House of Representatives,
Washington, D. C.

House Bill 11740.

DEAR SIR: We venture to call your attention to House bill 11740, introduced on January 16, 1914, by Delegate Wickersham, of Alaska, and now on reference to the Committee on Territories.

By this bill two acts of the Legislature of the Territory of Alaska are intended to be validated. At least one of these acts, viz: Alaska bill, chapter 52, is of great importance particularly to those engaged in the Alaska salmon canning industry, and we take the liberty of calling your attention to it with the view that when the bill comes up for consideration in the House you may, if you think it proper, be of material assistance to us.

Very full hearings and consideration of Alaskan fisheries matters have been had before the Subcommittee of the Committee on Fisheries of the Senate for the Sixty-second Congress in connection with Senate bill 5856. The report of these proceedings is so full and complete that we think it only necessary to now very briefly call your attention to the salient features of the present House bill, particularly as these matters will, we hope, be fully presented to the Committee on Territories.

When the organic law creating a legislative assembly in the Territory of Alaska was first prepared, it provided, by section 3, that the authority granted the Territorial legislature should not extend to revenue or certain tax measures. This provision was, as we are informed, at the last moment changed so that it contained a further proviso to the effect that the legislature was not prevented from imposing other and additional taxes or licenses.

As you know, Congress has made many rules and regulations concerning the control and management of Alaskan fisheries, and since March, 1899, a license tax of 4 cents per case has been imposed by acts of Congress and paid by the parties operating in Alaska. This is the only tax imposed by the United States Government on any of its fisheries. The act imposing this license charge states that "It shall be in lieu of all other license fees and taxes." By this chapter 52 of the Alaskan Legislature, to which we desire to refer, a further license charge was imposed of 7 cents per case on red salmon and one-half cent a case on pink salmon. The charge of 4 cents imposed by the act of Congress being still collectible, the salmon canneries will be obliged to pay, if this legislation is finally approved by Congress, 11 cents per case on red salmon and 4½ cents per case on pink salmon.

We have no hesitation in stating to you that these license charges are prohibitive, and they are vastly disproportionate to any other license charges levied by the Alaskan Legislature.

Compared with the other license charges attempted to be levied by this Alaskan act, the charges on the salmon industry are entirely disproportionate. The industry which probably is more nearly like the fishing industry than any

other is the mining industry. This mining business is charged only one-half of 1 per cent on the net income over and above \$5,000 per annum. The average price for the 1913 pack of Alaska red salmon at California, Oregon, or Washington shipping points was \$4.25 per case, and this combined tax of 11 cents would therefore, amount to 2.6 per cent of the gross value of the product without any deduction for manufacturing, transporting, and marketing.

This, however, is not the only unjust discrimination. We know that the idea is frequently advanced that the companies get their salmon from the waters of Alaska free of charge, and therefore that they should pay a larger proportion of taxes than a business which does not enjoy this gratuity. But as the reports before the subcommittee of the Senate show the value of the salmon; that is, the raw product, in 1913 did not exceed \$1,250,000, whereas the value of the total product of Alaska canned salmon for the year was \$8,500,000, so that the raw product is but little more than one-seventh of the value of the finished article. At the rate of 11 cents per case this tax will amount to over 17.5 per cent of the value of the raw product contributed from Alaskan sources.

We know that there has been a great deal of talk about the great profits realized in the Alaskan salmon business. As a matter of fact, this profit is purely imaginary. The great majority of companies that go into this business never pay any dividends at all and none have paid dividends regularly. The shores of Alaska are covered with dismantled cannery plants that did not succeed. The risks of transportation, shortage of fish, and climatic conditions are so great that the profits of any good year are generally eaten up by the deficit of the succeeding poor years.

We do not write you this letter with any view of avoiding a just tax on this business. We think that the character of this business being in navigable waters, subject to constant regulation and supervision by the United States Fisheries Commissioner and by Congress, should be taxed by Congress because these regulations may or may not materially increase the expenses and general conditions of operations of the business, and if the Alaskan Legislature can levy taxes and Congress impose the regulations, the Alaskan salmon companies will soon be ground to pieces between the two.

The particular suggestion, therefore, that we have to make is to submit to your mature consideration the substitution for this bill of another measure by which all taxes on the salmon industry shall be levied by and under the control of Congress; that the authority of the Territorial legislature be left unhampered so far as taxing the land and improvements are concerned. This latter tax must, of course, be uniform throughout the Territory, and thus there would be prevented the extraordinary discrimination and inequality which have already resulted from the deliberations of the very first legislative assembly.

The Alaska Packers' Association is one of the few manufacturing industries that materially contributes to the prosperity of the Pacific coast in general and California in particular. It has many thousands of employees, most of whom are paid in San Francisco, and its outfitting is also for the most part done there. If these taxes are to continue with the ever uncertainty that the Alaska Legislature may increase them at any time, we can easily foresee the end of our business.

Yours, very truly,

ALASKA PACKERS' ASSOCIATION,
HENRY F. FORTMANN, *President*.

Mr. WICKERSHAM. Mr. Johnson, do I understand that you have a telegram from the Seattle Chamber of Commerce against this bill?

Mr. JOHNSON. That is the telegram I have read into the record. The telegram says:

It is extremely important that the *Albatross* shall be placed at the disposal of the representative of the Department of Commerce who has been detailed to investigate those fisheries. We earnestly urge that the steamer be so immediately assigned, as we think this will be most important service it can now render.

Then they go on to say:

This investigation should be thoroughly made before any further legislation is passed which in any way affects the fisheries of Alaska.

Now, that part of it refers to this bill.

Mr. WICKERSHAM. I think you are doing the Chamber of Commerce of Seattle an injustice.

Mr. JOHNSON. Does this bill affect the fisheries of Alaska?

Mr. WICKERSHAM. Yes; but only incidentally. I do not think the business interests of Seattle would oppose this bill if they knew what it means.

Mr. FALCONER. I think there is a feeling out there that there was something secret in this commission bill or Root bill that passed the Senate. They do feel that they have not been in touch with what has been going on. The feeling is this, that we are here legislating on an industry in which they are intensely interested, and we are legislating at a long distance. The people of the State of Washington and of Alaska are intensely interested in this industry, and it is certain that they were not posted on that particular bill. Mr. Johnson was not and I was not, and we hardly knew which way to vote on it. They feel out there that we are legislating 3,000 miles away from the seat of operations, and naturally they want to be fully informed before action is taken that might perhaps operate to the detriment of the industry. Now, I am inclined to be favorable to this bill, but I do believe that the people who are most directly interested in the matter should have a full opportunity to be heard. I do not think that would jeopardize in the least the chances of the bill going through. Of course, when a man has had a fair hearing and has had full opportunity to present his side of the case and is whipped, he is satisfied, but if he does not have a hearing and the fault is not his, he naturally is not satisfied.

Mr. BRUNER. May I say one word at this point? I do not want to go into an argument of the matter, but, as representing the bills that were passed through the Alaska Legislature, I do wish to say that at the conclusion of the session Mr. Chilberg, now the president of the Alaska Chamber of Commerce, congratulated the legislature very warmly and said that for the first time in his experience he had seen both labor and capital treated fairly. Nine members of the legislature in order to go home came by way of Seattle, and the cannery association of Seattle tendered us a luncheon in recognition of what they claimed we had done on behalf of the Territory. That is the reason why I say now that I am surprised that these protests should come in here. I have a letter in my pocket from Mr. G. A. Teal, dated December 31. He was there through the entire session of the legislature. We held meetings there for about a month, night after night, at which all the cannery interests were represented, and also all the independent fisheries. The matters were very fully and fairly considered, and when we passed these revenue acts, it was done by unanimous consent and by the concurrence of every member of the legislature. The letter that I have from Mr. Teal does not bear directly on this point, though I have talked it over with him before coming here, and also with Mr. Fortmann and Mr. Heckman, who was their representatives before the legislature, with regard to the fishery interests. Therefore, I say that I am very much surprised at these protests. Mr. Teal wrote me this letter, and I am willing that it shall go into the record. I will also submit his suggested amendment to the fisheries acts. I have not them with me this morning, but I can bring them to the committee at its next meeting. No

objection was made to the tax that we imposed in those acts, and I contradict the statement by Mr. Curry as coming from Mr. Fortmann that we have been unjust in any way in the placing of the taxes.

Red salmon brings, according to the testimony before our committee, \$5.40 per case, and pink salmon from \$1.75 to \$1.80 per case. What we did was to make the taxes equitable all the way through, and there was no objection to our action at all. As a matter of fact, they were delighted with it. They were all represented there. Now, when the opinion of the Attorney General was rendered to the effect that we did not have the power to confer office upon the clerk and marshals of the United States courts, I can understand that they did not want to pay the taxes until they were obliged to pay them. When this matter does come up, I want to present the facts that were testified to night after night by counsel who were there representing both the fishermen, canners, and, in fact, all parties concerned. I do hope that a full hearing will be given in this matter, because it is of great importance to the people of Alaska to know what the law is and what Congress is going to do with us. Shall I read this letter?

The CHAIRMAN. You can read it if your desire or insert it in the record.

Mr. BRUMBAUGH. I suggest that he read it.

Mr. BRUNER. It is short, and I will read it:

ADMIRALTY TRADING CO.,
Seattle, Wash., December 13, 1913.

HON. ELWOOD BRUNER,
Army and Navy Club, Washington, D. C.

DEAR SENATOR: I am inclosing you a copy, marked "Exhibit B," of senate joint memorial No. 26, passed by the Legislature of the Territory of Alaska, as you no doubt well recall, last April. Attached to it is a memorandum which, as its heading states, covers features in that memorial which are not practical. Also inclosed, copy of the committee report of a tentative bill, which was suggested by the Fisheries Committee of the United States Senate some time ago, in which are pasted typewritten sheets showing the changes which seem practicable, reasonable, and right to a great number of the canners. How far you will be able to use any of this data, of course, can not be told from this end of the line, but whatever you can consistently do to further these changes will be appreciated. Those of us who know you feel assured that upon reading them you will see that they do fit into the bill and change and remove many objectionable features to members of the Alaska Legislature, as well as to cannery men; and certainly all that is desired by those of us who have worked over these changes is to have this fisheries questions settled in a clear, concise, and practical way that takes care of the interests of the fish and of all those who have money invested in the business or otherwise are interested in it.

With very best wishes for your good health and the season's greeting from my conferees and myself.

Yours, very truly,

G. A. TEAL.

I would like, of course, to have as early a hearing as practicable. When the opinion of the Attorney General came out the collection of taxes in Alaska practically ceased and there was a very strong demand upon Gov. Strong to call an extra session of the legislature. and. in that connection, I would like to read his telegram:

DECEMBER 25, 1913.

HON. ELWOOD BRUNER,
Care Army and Navy Club, Washington, D. C.:

Opinion Attorney General received to-day holds that legislature exceeded its power when duty of collecting taxes was placed on Federal officials. Decision has effect of absolutely stopping further collection revenue and practically

puts Territory out of business. Do you advise special session legislature to convene about March 1; and if so, can you attend?

STRONG, *Governor.*

To that I sent the following answer:

December telegram received. Have personally conferred with Attorney General, Key Pitman, and Houston, chairman of Senate and House Committees on Territories, and Delegate Wickersham. Believe that extra session can be avoided either by formal approval by Congress of revenue and poll-tax laws or amendment of organic act, or both. Advise you to withhold calling extra session until further developments. Roden not returned from Europe.

I now submit the following letter from Gov. Strong to me:

TERRITORY OF ALASKA,
GOVERNOR'S OFFICE,
Juneau, January 17, 1914.

HON. ELWOOD BRUNER,
Care Army and Navy Club, Washington, D. C.

MY DEAR SENATOR: I beg to acknowledge the receipt of a telegram from yourself and Senator Freeding, in which you state your belief that an extra session of the legislature can be averted, either by formal approval by Congress of the revenue and poll-tax laws or amendment of the organic act, or both, and in which you also advise me to withhold the calling of an extra session until further developments. I sincerely trust that Congress will take the steps necessary to validate the Territorial laws passed at the last session or amend the organic act in a number of important particulars, so that the powers of the legislature may be so clearly defined as to admit of no further question.

The opinion of the Attorney General, which you have no doubt read, followed by the decision of the Circuit Court of Appeals, sitting in San Francisco, which sustains the position taken by the Attorney General, has had the effect of practically estopping the collection of Territorial revenues. While I have not yet seen a copy of the poll-tax decision, I understand that the court also holds that no poll taxes could be collected for the year 1913, inasmuch as section 2 of the poll-tax law provides that the commissioners as ex officio poll-tax collectors should perform certain duties "on or before the 1st day of March in each year," and the law did not become effective until after that date. You will readily understand, therefore, that if this law is to be used as a source of obtaining revenue hereafter it must be approved by Congress before March 1 next, or failing this some other means must be devised to give it life. Furthermore, the decision of the appellate court causes me to wonder if the duties that the legislature imposed upon the governor are also to be disregarded. It is, perhaps, needless for me to say that I do not entertain this opinion, and if I did I would consider it my duty to discharge the various functions which the acts of the legislature committed to my charge until inhibited by a higher power.

The conditions under which the Territory are now laboring are anomalous, to say the least, and a speedy solution of the problems that have been developed is imperative. You are familiar with them and can materially aid in their solution. I have already written Judge Wickersham and Senator Pittman at length concerning the situation and have forwarded them a proposed amendment to section 11 of the organic act, which I think would give partial relief at least, but even with its adoption I am of the opinion that the Territorial laws already passed would need the approval of Congress in order to meet the situation which has arisen. I desire to impress upon you and all the friends of Alaska in Washington the need of speedy action, especially with regard to the poll-tax law, inasmuch as under its provision certain blanks must be in the hands of the poll-tax collectors on or before March 1. These blanks have already been forwarded to the different precincts, but of course they will not be used unless the law is approved.

I do not want to call a special session of the legislature except as a dernier resort. I am doubtful if a quorum of the legislature could be secured, and I am absolutely of the opinion that a 15 days' session, to which the legislature would be limited, would be altogether inadequate for the work that would be required of it.

Again, to expect members from the second and fourth divisions to make the journey to the capital is out of the question and would be unjustifiable, ex-

cept in the case of the gravest possible emergency. The chief drain upon the Territorial revenues is caused by the maintenance of the Alaska Pioneers' Home, at Sitka, and whether or not the revenue laws be galvanized, by some means, into life, the \$10,000 appropriation for the decennium will be exhausted long before the legislature meets in regular session, and this is another matter that requires careful consideration.

I am forwarding a copy of this letter to Senators Roden and Freeding and Delegate Wickersham. I will be glad to cooperate with you in any way that may be for the benefit of the Territory.

Let me hear from you at any time, and with best wishes. I am,

Sincerely, yours,

J. F. A. STRONG, Governor.

Copies to Hon. CONRAD FREEDING, Hon. HENRY RODEN, and Hon. JAMES WICKERSHAM.

I will submit to the committee the inclosures referred to by Mr. Teal in his letter to me.

STATEMENT OF HON. JAMES WICKERSHAM, DELEGATE IN CONGRESS FROM THE TERRITORY OF ALASKA.

Mr. WICKERSHAM. Mr. Chairman, I desire to call the attention of the committee to the bill H. R. 11740, which was introduced by me on January 16, 1914. In order that the committee may have a clear understanding of the matter which it embraces, I wish to read the bill into the record:

[H. R. 11740, Sixty-third Congress, second session.]

A BILL To cure defects in and to validate chapters 52 and 54 of the acts of the Legislature of the Territory of Alaska, approved by the governor of the Territory of Alaska May 1, 1913, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That those two acts of the Legislature of the Territory of Alaska, entitled "Chapter 52 (H. B. No. 96), an act to establish a system of taxation, create revenue, and providing for the collection thereof for the Territory of Alaska, and for other purposes," approved by the governor of the Territory of Alaska May 1, 1913, and "Chapter No. 54 (H. B. No. 98), an act to impose a poll tax upon male persons in the Territory of Alaska and provide means for its collection," approved by the governor of Alaska May 1, 1913, be, and each is hereby, ratified and made valid from the date of its respective approval by the governor of the Territory of Alaska, and all their provisions shall be held to be in full force and effect from and after the date of the approval of this act by the President.

SEC. 2. That nothing in that act of Congress entitled "An act creating a legislative assembly in the Territory of Alaska and conferring legislative power thereon, and for other purposes," approved August 24, 1912, shall be so construed as to prevent the courts now existing or that may be hereafter created in said Territory from enforcing within their respective jurisdictions all laws passed by the legislature within the power conferred upon it, the same as if such laws were passed by Congress, nor to prevent the legislature passing laws imposing additional duties, not inconsistent with the present duties of their respective offices, upon the governor, marshals, deputy marshals, clerks of the district courts, and United States commissioners acting as justices of the peace, judges of probate courts, recorders, and coroners, and providing the necessary expenses of performing such duties, and in the prosecuting of all crimes denounced by Territorial laws the costs shall be paid the same as is now or may hereafter be provided by acts of Congress providing for the prosecution of criminal offenses in said Territory, except that in prosecutions growing out of any revenue law passed by the legislature the costs shall be paid as in civil actions, and such prosecutions shall be in the name of the Territory.

Now, the committee will see that the purpose of that bill is simply to cure defects which were found to exist in two of the revenue acts passed by the Territorial Legislature of Alaska.

Mr. CURRY. Will you put those acts into the record?

Mr. WICKERSHAM. Yes. This matter was called to my attention by Gov. Strong when it was discovered upon consultation with the Attorney General that the defects existed, and, as a part of the record which I think will be very illuminating to this committee, I desire to read the opinion of the Attorney General and the correspondence which Gov. Strong sent to me, so that it may be before the committee. The opinion of the Attorney General is as follows:

DEPARTMENT OF JUSTICE.

Washington, D. C., November 17, 1913.

JOHN RUSTGARD, Esq.,

United States Attorney, Juneau, Alaska.

SIR: In your letter of June 27 you ask the opinion of this department upon the validity, with reference to section 11 of the organic act of Alaska, approved August 24, 1912 (37 Stat., 516), of certain laws enacted by the First Territorial Legislature for Alaska during its session last spring. Said section 11 provides, *inter alia*, that—

"No person holding a commission or appointment under the United States shall be a member of the legislature or shall hold any office under the government of said Territory."

The enactments concerning which an opinion is particularly desired are:

(a) Chapter 54 of the Territorial Session Laws, imposing a poll tax upon male persons in the Territory, making the commissioner of each precinct *ex officio* poll-tax collector, and providing that he shall furnish bond to the Territory and receive as compensation for such services 15 per cent of all taxes collected.

(b) Chapter 52 of the Territorial session laws, imposing a license tax upon trades and occupations conducted in the Territory and providing that the licenses shall be issued by the clerk of the district court, who shall give bond; that such taxes shall be covered into the Territorial treasury; and that United States marshals and fish commissioners, and their deputies, shall be license inspectors under the act.

Specifically, the question presented is whether the provision of chapters 52 and 54 which impose duties upon commissioners, clerks of the district courts, marshals, fish commissioners, and deputies, are in violation of the portion of the organic act above quoted.

1. That the commissioners, clerks of the district courts, marshals thereof, etc., are "officers" can not be doubted. (*U. S. v. Hartwell*, 6 Wall., 385, 393.) It only remains to consider whether they hold "a commission or appointment under the United States."

In order to determine this, it is not necessary to hold that they are "officers of the United States" in the sense of Article II, section 2, of the Constitution of the United States, for even if they be not such "officers," yet, since they are appointed by Federal officials to perform Federal functions under laws enacted by Congress by virtue of its power to "make all needful rules and regulations respecting the Territory" of the United States, they clearly hold "a commission or appointment under the United States." In *James v. United States* (202 U. S., 401), the Supreme Court held that whether the Supreme Court of the District of Columbia was a constitutional court of the United States or not, it was "a court of the United States" within the meaning of Revised Statutes, 714. Indeed, unless the broad language of section 11 of the organic act was intended to include such officers as these commissioners, etc., it is almost impossible to say what officers it was intended to include, since such officials as these belong to the only class which, as a practical matter, could fall within its prohibition.

2. It only remains to consider whether a requirement that these officers shall perform the duties imposed on them by the legislation of the Alaska Assembly above mentioned, is contrary to the letter or spirit of section 11 of the organic act as in effect compelling them to become officers of the Territory.

The case of the commissioner under chapter 54 seems a clear one. He is required to work under rules and regulations promulgated by the treasurer of the Territory, to whom he is to report and render accounts; to furnish bond to the Territory, to be approved by the territorial treasurer; and his compensation

is fixed by the statute. Within all the definitions, this is sufficient to constitute an office. (*United States v. Hartwell*, 6 Wall., 335, 393; *United States v. Germaine*, 99 U. S., 508.)

The case of the clerks, marshals, and fish commissioners differs in that the statute provides no compensation for those officers. Emolument, however, is not necessary to constitute an office. (29 Cyc., 1366; *Clark v. Stanley*, 66 N. C., 59; *Hendricks v. State*, 20 Tex. Civ. App., 178; *Dickson v. People*, 17 Ill., 191; *Mechem, Public Officers*, sec. 7.)

The clerk is required to give bond to the Territory in such amount as the treasurer shall require, and to cover into the Territorial treasury the taxes collected under such rules and regulations as the treasurer may prescribe. Under the above authorities this undoubtedly constitutes an office.

The marshals and fish commissioners and their deputies are given power to go upon premises and examine books, papers, and other documents of any person, firm, or corporation whom they suspect of evading the act; and upon discovering any such violations to file a complaint, arrest the offender, and take him before the United States commissioner for trial. This also amounts to an office; and the mere fact that they are not required to take oath or give bond is quite immaterial. (*Mechem, Public Officers*, secs. 6, 263.)

It has been suggested, however, that in the case of the clerk of the district court, chapter 52 of the sessions laws merely imposes additional duties of the same nature as those required of him by the act of June 6, 1900, section 7 (31 Stat., 321), and therefore does not constitute the creation of a new office. And this same argument seems to apply to some, if not all, of the other officers concerned.

The act of 1900 does impose upon the clerk the duty of collecting certain occupation taxes imposed by that act and issuing the licenses thereunder. These duties, however, and the other outside duties now or formerly imposed upon the clerks, etc., were imposed by Congress directly upon officers appointed to perform functions created by Congress—an additional imposition which Congress, it may be assumed, has power to make—while the present duties are imposed by the Territorial legislature upon Federal officials, and are duties, official in their nature, which, if not performed by them, must be performed by officers created and commissioned directly under Territorial authority. In substance, therefore, it seems clear that the intent of the provisions of the session laws of the Alaskan Legislature is to make Federal officers also officers of the Territory, a thing contrary to the prohibition of the organic act. The fallacy of the argument regarding the imposition of additional duties lies in the fact that the office of clerk of the district court and of marshal, etc., and the duties connected therewith, arise solely from the act of Congress, and are therefore matters over which the Territorial legislature has no control. It is therefore a misuse of terms to speak of the conferring by the Territorial legislature of additional duties upon such an officer.

In this connection the language of the Supreme Court in the case of *Carlington v. United States* (208 U. S., 1, 7) becomes pertinent. In holding that an officer of the United States Army, while performing duties incident to his military command, did not become a public official of the Philippine civil government merely by receiving money contributed by the civil government for use by him in connection with his military functions, it was said:

"If Philippine legislation attempted to add to the immediate responsibilities of the soldier in the course and performance of his duty under the paramount authority from which that legislation derives its right to be, we should have to inquire whether we could gather from any act of Congress the intention to permit what might become the instrument of dangerous attacks upon its power" (p. 7).

This passage suggests that affirmative legislation by Congress would be necessary to confer upon a territorial government the power of adding to the duties of a Federal officer. In the present case there is not only an utter absence of such affirmative permission, but a distinct negation of its existence.

The deputy marshals and deputy fish commissioners are in no other case than their principals. Quite aside from the rule that a deputy can not perform official acts which his chief could not perform (*Mechem, Public Officers*, sec. 570), it can not be said that the Alaska Legislature would have conferred such power and duties on the deputies without conferring them upon their principals.

It follows that the legislation in question attempts to impose official duties under the government of the Territory upon persons holding commissions or

appointments under the United States: and in so doing it violates both the letter and the spirit of section 11 of the organic act, and to that extent is void and of no effect.

Respectfully,

J. C. McREYNOLDS,
Attorney General.

And the letters from Gov. Strong are as follows:

TERRITORY OF ALASKA, GOVERNOR'S OFFICE.
Juneau, December 29, 1913.

HON. JAMES WICKERSHAM,
Delegate from Alaska, House of Representatives,
Washington, D. C.

DEAR JUDGE: An opinion by the Attorney General received here a few days since has the effect of suspending the operation of the revenue laws passed by the Territorial legislature. This opinion is the result of a request made by United States Attorney Rustgard on June 27 last, with reference to the interpretation to be put upon section 11 of the organic act of Alaska, approved August 24, 1912. For your further information you will be able to secure a copy of the opinion from the Department of Justice.

You will readily understand that this opinion is a sort of body blow to the Territory, inasmuch as it deprives the Territory of the agencies provided by chapters 52 and 54 of the Territorial session laws for the collection of taxes, and without revenue the Territory is put out of commission to all intents and purposes. I do not want to call a special session of the legislature as, in my opinion, it would be well nigh calamitous in view of the facts that the session would be limited to 15 days, the great distances that a considerable number of the members would have to travel, the heavy expenses to which they would be subjected, which their mileage and per diem allowances would scarcely cover, and furthermore I fear it would be found impossible to secure a quorum. A 15 days' session would be absolutely insufficient to draft and enact a comprehensive and detailed system of taxation such as I believe would be necessary in view of the attitude of the Department of Justice in the matter of imposing additional duties on Federal officials by the legislature. The logical course for the Territory to pursue under the circumstances will be to insist upon more complete autonomy which will include the right to all income from all sources within the Territory, except that received from customs and internal revenue, to be collected and disbursed by the people of the Territory through the legislature. This position is accentuated by the fact that a decision of the Comptroller of the Treasury requires the Territory to pay all costs of suits, etc., brought in the district court by the Territory in the enforcement of Territorial laws. A case is now pending on appeal to the circuit court of appeals at San Francisco, which has for its purpose the testing of the provisions of the poll-tax law, the points raised by the appellant, I understand, being identical to those involved in the opinion rendered by the Attorney General. It, of course, is possible that the law may be sustained by the appellate court, but of this I am doubtful.

It has occurred to me that temporary relief at least might be had through direct action of Congress. Do you think this could be done; that is, would it be possible to induce Congress to pass a special act imposing the additional duties on Federal officers in Alaska contemplated by chapters 52 and 54 of the Territorial session laws? In this connection I may add that some of these officials have shown a willingness to discharge and have discharged these duties, and several thousands of dollars in taxes, principally poll taxes, have been collected.

If such action by Congress could be secured it would answer temporarily, or until the next regular session of the legislature in March, 1915. The revenues that can be derived by the Territory, if given the agencies or instruments to collect them, would be sufficient to meet the fixed charges of the Territory in the interim; that is, provided that the validity of the Territorial revenue law is sustained by the higher courts. The heaviest item of expense is that for the maintenance of the Pioneer's Home, at Sitka, which must be closed in the near future unless revenue for its support is forthcoming, and some 30 helpless old men will be turned adrift.

Section 6 of the organic act authorizes the governor to convene the legislature in extraordinary session for a period not to exceed 15 days when requested to do so by the President of the United States, or when public danger or necessity may require it. This, I take it, would require a special appropriation by

Congress. However, as I have stated above, in my opinion an extraordinary session should be called only as a last resort.

I would esteem it a favor to have your views upon the different matters herein touched upon at your earliest convenience.

Very truly, yours,

J. F. A. STRONG, *Governor.*

The next letter, dated December 30, 1913, is as follows:

TERRITORY OF ALASKA,
GOVERNOR'S OFFICE,
Juneau, December 30, 1913.

HON. JAMES WICKERSHAM,
Delegate from Alaska, House of Representatives, Washington, D. C.

DEAR JUDGE: Since writing you yesterday on the subject matter of the Attorney General's opinion, I have had a talk with Mr. J. H. Cobb as to the effect of that opinion, and he submits that it is far-reaching and might be construed as preventing the governor from discharging certain duties imposed upon him by the legislature, though clearly this was not the intention of Congress when the organic act was enacted. Mr. Cobb has drafted the following proviso to section 11 of the organic act, which is herewith submitted for your consideration:

" [Proviso to section 11 of organic act.]

" *Provided*, That nothing herein contained shall be so construed as to prevent the courts now existing or that may be hereafter created in said Territory from enforcing within their respective jurisdictions all laws passed by the legislature, within the powers conferred upon it, the same as if such laws were passed by Congress: nor to prevent the legislature passing laws imposing additional duties, not inconsistent with the present duties of their respective offices, upon the governor, marshals, deputy marshals, clerks of the district courts, and United States commissioners acting as justices of the peace and judges of probate courts, and providing the necessary expenses of performing such duties. And in the prosecuting of all crimes denounced by Territorial laws the costs shall be paid the same as is now or may hereafter be provided by act of Congress providing for the prosecution of criminal offenses in said Territory, except that in prosecutions growing out of any revenue law passed by the legislature the costs shall be paid as in civil actions and such prosecutions shall be in the name of the Territory."

Very truly, yours,

J. F. A. STRONG, *Governor.*

The next letter is dated January 3, 1914, and reads as follows:

TERRITORY OF ALASKA, GOVERNOR'S OFFICE,
Juneau, January 3, 1914.

HON. JAMES WICKERSHAM,
Delegate from Alaska, Washington, D. C.

DEAR JUDGE: Supplementary to my letter of December 29, transmitting copy of proposed amendment to section 11 of the organic act, I would like to suggest for your consideration that it might be well to include within the terms of that amendment the district attorneys of the several judicial divisions of Alaska, and also a clause ratifying the acts already performed by certain Federal officials in connection with the revenue laws of the Territory. Of course, I am making this suggestion on the assumption that you will consider it feasible to endeavor to have Congress enact the amendment suggested, or some other that will cure the apparent defects and remedy the existing condition.

I am also writing Senator Pittman a letter of similar tenor.

Very truly, yours,

J. F. A. STRONG, *Governor.*

Now, Mr. Chairman, I have a number of editorials from newspapers there along the line of these defects, and the attempt to cure them, etc., but I think the governor's letters, being official, fully cover the matter, and would not be aided by quoting the newspaper editorials, telegrams, etc. I only mention them to show you how great

an interest is being taken in the Territory in the situation in which the Territory finds itself with regard to its income in support of Government.

Now, I have another letter from the governor, dated January 30, 1914, which reads as follows:

TERRITORY OF ALASKA, GOVERNOR'S OFFICE.

Juneau, January 30, 1914.

HON. JAMES WICKERSHAM,

Delegate from Alaska, Washington, D. C.

MY DEAR JUDGE: I am in receipt of your letter of January 17, together with copy of the bill introduced by you in the House to cure defects in and validate chapters 52 and 54 of the acts of the Legislature of the Territory of Alaska, for which I thank you.

I have read the bill carefully, and it should meet the requirements of the situation. I have to suggest for your consideration that section 2 of the bill, imposing additional duties upon the governor and other Federal officials in the Territory, should include the United States attorneys and collector and deputy collectors of customs at the various ports, as the services of these officials will be needed in enforcing the revenue laws. I am not unmiudful of the fact that the Territory needs an attorney general, but until such office is created and filled by appointment the services of the United States attorneys will be indispensable in the enforcement of the revenue laws.

May I ask you to give this your serious consideration?

Very truly, yours,

J. F. A. STRONG, *Governor.*

Now, Mr. Chairman, I have read the letters from the governor because they disclose to the committee the serious condition in which the Territory of Alaska finds itself. This committee is not asked by the bill which is presented to go into the whole general domain of fisheries in Alaska, and to consider a fisheries bill. This is not a fisheries bill; it is a bill to cure defects in those acts of the legislature passed for the raising of local revenue, and, as has been stated, when those bills were before the Alaska Legislature the representatives of these fishery companies were there, and they were heard. All of them understood what was done, and they seemed to be satisfied with it, or, at least, I am so informed. I was not there myself, and I can only give that as information received by me from other people. There is a fisheries bill before this committee. It is a bill which was originated in the Senate, or rather, it is a bill which was put in shape by the Bureau of Fisheries and introduced in the Senate and later in the House. That bill was before the Committee on Territories of the Senate, and gentlemen representing the fishery interests in Alaska were fully heard. The Senate Committee on Territories took a volume of testimony on the bill, and the bill has been reintroduced in this Congress and is now pending before this committee.

The CHAIRMAN. Who introduced it?

Mr. WICKERSHAM. It was introduced by Mr. Flood.

The CHAIRMAN. Was it introduced at this session of Congress?

Mr. WICKERSHAM. It was introduced at the first session of this Congress. That bill is pending before this committee, and it is a surprise to me that they should come here to fight this revenue bill for Alaska. I had supposed that matters involved in this bill were settled back in Alaska, where the people who are interested in the industry had full opportunity to present their side of the matter. The bills were considered before the Alaska Legislature, in sight

of their canneries, so to speak, and all parties had full opportunity to be heard, and all of them then seemed to be satisfied.

Mr. CURRY. It was simply forced through. The United States Government has taxed this industry as much as it ought to be taxed, because 4 per cent is a pretty good tax on any industry. The United States Government imposes that tax—

Mr. WICKERSHAM (interposing). Of course, if we are to go into the full consideration of the fishing laws of Alaska—if the committee is to do that—we will have to prepare ourselves for it.

Mr. CURRY. I think that question was gone into by the subcommittee of the Senate Committee on Territories last year, and I suggest that the chairman of this committee procure copies of the hearings before the Senate committee last year.

Mr. WICKERSHAM. The Senate committee held extensive hearings on that subject.

Mr. BRUMBAUGH. What have you to say in regard to the proposition that this tax would raise the price of a food product to the people of this country?

Mr. WICKERSHAM. It will not do so at all. The price of salmon is fixed by the gentlemen from whom Mr. Curry presented a letter. The price is fixed by Mr. Fortmann's company. The price is fixed in New York and not in Alaska. These revenue measures will not have the effect of increasing the price, because the price is fixed by the Fish Trust of the Pacific coast.

Mr. BRUMBAUGH. Do you mean to say that the price of salmon is fixed by that company?

Mr. WICKERSHAM. Absolutely. The Alaska Packers Association is the Fish Trust and fixes the price.

Mr. CURRY. I will have to state in the record that that is a statement which is made without any basis of fact. There are a number of corporations aside from the Alaska Packers Association engaged in this business. That is only one.

Mr. WICKERSHAM. That is the Alaska Packers Association—

Mr. CURRY (interposing). It is not located in Seattle, but it has a substation up there, so that it is indirectly one of your constituents also.

Mr. WICKERSHAM. One of my constituents?

Mr. CURRY. Yes, sir; Seattle is your home.

Mr. WICKERSHAM. I think the gentleman owes Seattle an apology. I never resided in Seattle a day in my life.

Mr. CURRY. Well, at Tacoma.

Mr. WICKERSHAM. I have not lived at Tacoma for 14 years. I represent the Territory of Alaska, which is deeply interested in this matter.

Mr. CURRY. I am also interested in having things done right.

Mr. WICKERSHAM. Then you must make correct statements of fact yourself.

Mr. CURRY. That is what I am trying to do.

Mr. WICKERSHAM. I do not live in Seattle, and your statement that I do is without any foundation in fact, and I resent it.

Mr. CURRY. Well, Tacoma is pretty nearly as good a place as Seattle.

Mr. WICKERSHAM. I do not live in Tacoma. I live in Alaska and I represent the people of Alaska, as I will show you before I get through with these fishing people.

Mr. CURRY. I have not made up my mind on this bill.

Mr. WICKERSHAM. You seem to have done so by coming here making statements in favor of the Alaska Packers' Association.

Mr. CURRY. I did nothing of the kind.

Mr. WICKERSHAM. You did, and the record will show it.

The CHAIRMAN. The committee will be in order, and gentlemen will observe parliamentary rules in the discussion.

Mr. WICKERSHAM. The gentleman must not make personal statements.

The CHAIRMAN. Let us confine the discussion to the matter before us.

Mr. CURRY. There is no evidence that a Fish Trust has increased the price of salmon, because they have not been increased in price for the last 15 years. If this company is a Fish Trust, they have not increased the price of the fish.

Mr. WICKERSHAM. I have evidence to show the committee, and I will submit statements made before that Senate Committee on Territories.

Mr. CURRY. I want to see that hearing.

The CHAIRMAN. I suppose we can get those hearings. I will endeavor to have each member of the committee supplied with a copy of them.

Mr. FALCONER. Relative to the point Judge Wickersham was discussing—that is, the delay in the matter of collecting taxes in Alaska—that is the embarrassing situation, is it not?

Mr. WICKERSHAM. Yes, sir.

Mr. FALCONER. As a matter of information, I would like to know how the tax is collected. Is it collected from the books or from the actual stuff? Is the collection made from the warehouse stock?

Mr. WICKERSHAM. No, sir; they make an official return of the number of cases put up, and the tax is based upon that.

Mr. JOHNSON. They are shipped through the customhouse?

Mr. WICKERSHAM. Yes; all of them; so there is an accurate official statement made of it.

Mr. FALCONER. And that is the feature which you think necessitates early action on the bill?

Mr. WICKERSHAM. Yes. The Territory has no income, because substantially the only revenues of the Territory were to be derived under these two acts. The Territorial acts imposed the duty of collecting these taxes upon officers who have been held to be United States officers, and for that reason the Attorney General held that the Territorial Legislature had no power to imposed any such duty upon them. He held that such an officer was not obliged to perform that duty.

Mr. HAMILTON. Couldn't we get at this much more intelligently if we had those two acts of the Territorial Legislature of Alaska in the record?

Mr. WICKERSHAM. I have them here, and propose to read them into the record.

Mr. HAMILTON. Have you the opinion of the Attorney General?

Mr. WICKERSHAM. I have it downstairs in my office. The United States circuit court of appeals held substantially what the Attorney General did and upon the same grounds.

Now, Mr. Chairman, I think I will read these two chapters of the Territorial laws, and will then call attention to the organic act. Chapter 52 is as follows:

CHAPTER 52.—(H. B. No. 96.)

AN ACT To establish a system of taxation, create revenue, and provide for collection thereof for the Territory of Alaska, and for other purposes.

Be it enacted by the Legislature of the Territory of Alaska:

SECTION 1. That any person or persons, corporation, or company prosecuting or attempting to prosecute any of the following lines of business within the Territory of Alaska shall first apply for and obtain a license so to do from the district court or subdivision thereof in said Territory, and pay for said license for the respective lines of business and trades as follows, to wit:

Fisheries: Salmon canneries, 7 cents per case on sock-eye and king salmon; one-half cent a case on humpback, cohee, or chum salmon.

Cold-storage fish plants: Doing a business of \$100,000 per annum, \$500 per annum; doing a business of \$75,000 per annum, \$375 per annum; doing a business of \$50,000 per annum, \$250 per annum; doing a business of \$25,000 per annum, \$125 per annum; doing a business of \$10,000 per annum, \$50 per annum; doing a business of under \$10,000 per annum, \$25 per annum; doing a business of under \$4,000 per annum, \$10 per annum. The annual business of this section shall be considered the amount paid per annum for the product.

Laundries doing a business of more than \$5,000 per annum, \$25.

Meat markets: Doing a business of more than \$5,000 per annum and less than \$10,000 per annum, \$25 per annum; doing a business of more than \$10,000 per annum, \$50 per annum; doing a business of more than \$50,000 per annum, \$75 per annum; doing a business of more than \$75,000 per annum, \$375 per annum; doing a business of more than \$100,000 per annum, \$500 per annum.

Furs: One-half of 1 per cent of the gross value of any furs the product of Alaska exported from the Territory; and it shall be unlawful and punishable under this act for any person to ship from the Territory of Alaska any furs without having first paid for and obtained a license permit as herein provided; and no custom officer shall issue a manifest for nor postmaster receipt for mailing any furs unless the shipper thereof shall present a certificate for this license fee signed by the clerk of the district court of the division in which the furs were shipped.

Telephone companies: Doing a business of more than \$2,400 dollars per annum, one-half of 1 per cent of the gross volume of business per annum over and above the sum of \$2,400.

Transient and itinerant merchants, \$200 per annum.

Mining: One-half of 1 per cent on net income over and above \$5,000 per annum.

Insurance companies: A tax shall be imposed on all premiums payable on risks in the Territory of Alaska of 1 per cent of the amount of such premiums.

1. In the case of such insurance premiums being paid to companies not licensed to do business in the Territory of Alaska, mutuals or Lloyd's, such tax shall be payable by the insured.

2. In case of premiums paid to companies licensed and doing business in the Territory of Alaska, such tax shall be payable by the company receiving the same.

Express companies: Express companies to pay 1 per cent of the business done by said express companies in the Territory of Alaska per annum.

Lighterage companies: Ten cents per ton on freight handled or lightered.

Public messengers, \$25 per annum.

Public scavenger, \$50 per annum.

Lodging houses, \$10 per annum.

Reindeer owned by white men, 25 cents per head per annum.

Fishing vessels: Fishing vessels propelled by mechanical power of over 30 tons net and plying or fishing in the waters of Alaska, \$1 per ton per annum on net tonnage, customhouse measurement, of each vessel.

Transportation: On every ton of freight shipped into or from the Territory of Alaska by any transportation company or steamship line, per annum, payable through the customhouse at time of entry to be paid into the Territorial treasury, 10 cents per ton, except return shipments of casks, tanks, kegs, carboys, or other receptacles used in the shipment of liquids.

SEC. 2. That the licenses provided for in this act shall be issued by the clerk of the district court or any subdivision thereof in compliance with the order of the court or judge thereof duly made and entered; and the clerk of the court shall keep a full record of all applications for license and of all recommendations for and remonstrances against the granting of licenses and the action of the court thereon: *Provided*, That the clerk of said court in each division thereof shall give bond or bonds in such amount as the treasurer of the Territory may require and in such form as the governor may approve, the premium on said bond to be paid from any funds in the treasury of the Territory of Alaska not otherwise appropriated, and all moneys received for licenses by any clerk of a district court in this Territory under this act, except the moneys derived from fisheries (one-half of which amount shall be paid by the clerk into the Territorial treasury to be made available for the propagation and preservation of salmon and other fish in the Territory of Alaska and to be expended under the direction of the United States Bureau of Fisheries) shall, except as otherwise provided by law, be covered into the treasury of the Territory of Alaska, under such rules and regulations as the Territorial treasurer may prescribe.

SEC. 3. That any person, corporation, or company doing or attempting to do business in violation of the provisions of this act, or without first having paid the license therein required, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for the first offense in a sum equal to the license required for the business, trade, or occupation; and for the second offense fine equal to double amount of the license required; and for the third offense three times the license required and imprisonment for not less than 30 days nor more than 6 months: *Provided*, That each day business is done or attempted to be done in violation of this act shall constitute a separate and distinct offense: *Provided further*, That in all prosecutions under this act the costs shall be assessed against any person, firm, or corporation convicted of violations hereof, in addition to the fine or penalty imposed, and for failure to pay such fine and costs such person, firm, or corporation may be imprisoned, in the discretion of the court, at the rate of one day for every \$2 of said fine and costs: *Provided further, however*, That in the event of any person, firm, or corporation shall fail to pay the license required by the provisions of this act and shall further fail to pay any fine that may be imposed by a court of competent jurisdiction, for such failure to so pay said license fee or tax required by the provisions of this act, judgment may be entered against such firm, person, or corporation, and process shall be issued for the enforcement of the collection of said judgment and in the same manner as judgments in civil proceedings.

SEC. 5. All United States marshals and their deputies as ex officio constables, United States fish commissioners and their deputies, in the Territory of Alaska are hereby made license inspectors under this act, and shall have power and authority to go upon premises and examine the books, papers, bills of lading, and all other documents bearing upon any matters provided for in this act of any person, firm, or corporation whom they have reasonable grounds to believe is evading this act; and if any United States marshal or his deputy, United States Fish Commissioner or his deputy, as ex officio constables, shall find any person, firm, or corporation violating this act or any provision thereof it shall be the duty of said deputy marshal to go before a United States commissioner, file a complaint in writing charging the person, firm, or corporation so violating this act with a misdemeanor, as provided herein, and upon obtaining a warrant upon said complaint to arrest the said person, firm, or corporation, and take him or them before the United States commissioner issuing the warrant for trial.

Approved May 1, 1913.

Chapter 54 is as follows:

CHAPTER 54. (H. B. No. 98.)

AN ACT To impose a poll tax upon male persons in the Territory of Alaska and providing means for its collection.

Be it enacted by the Legislature of the Territory of Alaska:

SECTION 1. That there is hereby made, imposed, and levied upon each male person, except soldiers, sailors in the United States Navy or Revenue-Cutter Service, volunteer firemen, paupers, insane persons, or Territorial charges within the Territory of Alaska or the waters thereof, over the age of 21 years and under the age of 50 years, an annual tax in the sum of \$4. to be paid and collected in the manner provided in the following sections of this act.

SEC. 2. That the commissioner of each precinct in the Territory of Alaska shall, on or before the 1st day of March in each year, set down upon such blanks as the treasurer of the Territory of Alaska may prescribe the names of all persons residing within his precinct subject to the tax herein provided for; one of such blanks shall be transmitted by the commissioner to the treasurer of the Territory and the other shall be retained by him. At the time of transmitting one copy of said duplicate list of names of the persons subject to the tax herein provided for within his precinct the commissioner shall cause to be published in at least one newspaper of general circulation published within his precinct, or if there be no newspaper, then by posting in five public places within his precinct, a notice setting forth that the poll tax provided for in this act is due and payable between certain dates, and that the payment thereof will become delinquent as provided in this act, and warning all persons to pay the same, and that in case of failure to pay the same, penalties, as herein provided for, will be imposed, and it shall be the duty of every person liable to pay such tax to pay the same to the commissioner within the time in which such notice specifies.

SEC. 3. The tax herein provided for shall be paid between the first Monday in the month of April and the first Monday in the month of August in each year.

SEC. 4. It shall be the duty of the commissioner to receipt to each person upon payment of the poll tax herein provided for, and the receipt so delivered shall be the only evidence of payment.

SEC. 5. Every person indebted to one who neglects or refuses, after demand, to pay a poll tax becomes liable therefor and must pay the same for such other person after service upon him by the commissioner of a notice in writing stating the name of such person.

SEC. 6. Every person paying the poll tax of another may deduct the same from any indebtedness to such other person. The commissioner must demand payment of poll tax from every person liable therefor and on the neglect or refusal of such person to pay the same, he must collect by seizure and sale of any personal property owned by such person, and any property thus seized shall be sold as provided by law for the sale of personal property on execution, except that three days' notice of the time and place of the sale shall be sufficient.

SEC. 7. It shall be the duty of the commissioner to collect and enforce the collection of all unpaid taxes by giving notice in writing to such delinquent, personally or by mail, and such delinquent shall pay a penalty of \$1 in addition to such tax.

SEC. 8. The Territorial treasurer must, before the first Monday in March in each year, deliver to each commissioner in the Territory of Alaska blank poll-tax receipts, in book form with stubs numbered the same as the receipts, of 100 in each book, a sufficient number for each commissioner. The form of such receipts and stubs shall be prescribed by the Territorial treasurer and shall be approved by the governor of the Territory.

SEC. 9. The commissioner shall, before entering upon the performance of his duties as herein prescribed, execute a bond to the Territory of Alaska in the sum to be fixed by the Territorial treasurer, which shall not be less than double the amount of money which will probably come into his hands under this act during any one year. Said bond shall be executed with two or more sureties and the same shall be approved by the Territorial treasurer; said bond shall be conditioned for the faithful discharge of the duties of his office and the said bond shall be filed in the office of the Territorial treasurer.

SEC. 10. The commissioner shall keep an accurate account of all moneys received by him under the provisions of this act, and he shall, not later than the 1st day in September in each year, transmit the same to the Territorial

treasurer. Such statement shall be verified by the affidavit of the commissioner to the effect that the same is in all respects a full and true statement of all moneys received by him under the provisions of this act; and after the 1st day of September in each year the commissioner shall, at least once in three months, file an additional statement setting forth any taxes and penalties collected by him under the provisions of this act during such period of three months, and shall transmit such moneys to the Territorial treasurer; such supplemental statement shall be made and verified, as herein provided for the first statement.

The commissioner, for services rendered under the provisions of this act, shall receive as full compensation 15 per cent of all taxes collected, except those collected by action, civil or criminal, and 20 per cent of all delinquent taxes and penalties.

SEC. 11. The Territorial treasurer shall make and prescribe all rules and regulations to carry into effect the provisions of this act.

SEC. 12. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not more than \$100 nor less than \$5, or imprisoned in the Federal jail for not more than 30 days nor less than 1 day.

SEC. 13. This bill shall take effect from and after its passage.

Approved, May 1, 1913.

MR. WICKERSHAM. Chapter 52 is the principal act, and that is the only one upon which I place any stress in this hearing. The other act has so many other defects in it that I may not make any serious effort to have it validated.

MR. WATSON. As I understood your reading of that act, one-half of the so-called fish tax goes for the preservation of the fish industry and for the propagation of fish under the administration of the United States Bureau of Fisheries?

MR. WICKERSHAM. Yes; so the act of the Alaska Legislature says.

MR. WATSON. Do you know in round numbers, or approximately, what revenue is derived from that fish tax or has been derived from it under this bill?

MR. WICKERSHAM. Nothing at all has been collected under it.

MR. BRUNER. It is estimated that \$120,000 a year would be the amount of the tax.

MR. WICKERSHAM. But nothing has been collected.

THE CHAIRMAN. The revenue from that tax is estimated at \$120,000 a year?

MR. BRUNER. Yes, sir. I am speaking only of the tax on fish.

MR. WICKERSHAM. And one-half of that tax would be expended for the purpose of propagating fish and protecting them from extinction.

THE CHAIRMAN. One-half of it would be paid to the Fish Commission here?

MR. WICKERSHAM. One-half of it is to be expended under the control and direction of the United States Fish Commission.

MR. FALCONER. What is the aggregate amount of the taxes now imposed on the gross sales of salmon in Alaska? It has been suggested that the fish is taxed six times, I believe, and I would like to know what is the aggregate amount of the tax imposed. If it is 7 cents a case and they sell for \$5 a case, what is the wholesale price of salmon?

MR. BRITTON. It is \$4.25.

MR. WICKERSHAM. The price of salmon changes so frequently that it is hard to keep track of it.

MR. FALCONER. Of canned salmon?

MR. WICKERSHAM. Yes, sir.

Mr. BRITTON. It changes from year to year.

Mr. WICKERSHAM. The price is fixed by the Alaska Packers' Association in New York.

Mr. BRITTON. I did not say that.

Mr. WICKERSHAM. But I do.

Mr. BRITTON. I do not agree to it.

Mr. WICKERSHAM. I do not care whether you do or not; the general manager of the concern said so in the Senate hearings.

Mr. JOHNSON. Does the retail price change all over the United States?

Mr. BRITTON. That is a matter I do not know. I do not know whether it does or not. I suppose, like every other food commodity, it has slight variations.

Mr. WICKERSHAM. To-day 41 per cent of the salmon packed on the Pacific coast comes from Alaska, and Alaska up to this time has not received out of this business more than about one-tenth of 1 per cent in the way of taxation. They have not contributed more than one-tenth of 1 per cent to the building of schoolhouses, churches, etc., for the development of the Territory. Of course, if the committee desires to go into that question, we will have to produce testimony covering that phase of the subject.

Mr. BRUMBAUGH. Is there any danger of the supply being exhausted?

Mr. WICKERSHAM. Yes; the supply of salmon in Alaska is materially decreasing, and in some of the formerly great salmon streams the supply has been practically exhausted. The Karluk River, for instance, was once one of the greatest salmon streams in the world, but as a salmon stream it has been practically destroyed by the Alaska Packers' Association, because of their taking fish at the mouth of the river before they could go up and spawn. That is all in the record.

The CHAIRMAN. I want to submit an observation for the consideration of the committee: We have two bills here before this committee, and the one that has been under discussion this morning was introduced for the purpose of curing defects in acts passed by the Territorial Legislature of Alaska providing for the collection of taxes. Now, it appears that because of the conflict of the acts of the Territorial legislature with the organic act, they are inoperative, or, rather, are invalid. It appears that those acts are in conflict with the organic act, because they sought to devolve certain duties upon United States officials, which, under the law, they could not perform. That is the matter now under consideration by this committee. Then here is another bill, H. R. 153, which is a bill to amend an act for the protection and regulation of the fisheries of Alaska. Now, it occurs to me that the discussion of the various tax regulations passed by the Territorial Legislature of Alaska really does not naturally come about in our consideration of this particular bill, which is for the purpose of making those acts of the Territorial legislature operative. I think this committee ought to determine now whether it is going into a discussion of all these regulations in the consideration of this bill, H. R. 11740, or whether it is going to reserve that for consideration when we take up the bill H. R. 153, which undertakes to regulate those things.

MR. BRITTON. Section 2 of House bill No. 11740 provides means for collecting the revenues imposed by the Territorial acts, but section 1 seeks to validate and confirm two acts passed by the Territorial Legislature of Alaska which impose taxes. Now, the two items are entirely separate and distinct. This committee could very well take up the question of permitting the Territory to collect such taxes as it might properly collect without validating acts of the Territorial legislature that seek to impose taxes in conflict with the acts of Congress. That is the reason why we have to go into the question of taxation. We have to do that, because this bill seeks to validate two acts of the legislature imposing taxes, not providing means of collecting them—

The CHAIRMAN (interposing). Do you insist that these acts are in conflict with the organic act?

MR. BRITTON. Most decidedly. The organic act fixes the tax upon salmon in Alaska and says that that tax shall be in lieu of all other license fees.

The CHAIRMAN. It may be that we will have to proceed with this hearing to some extent before we can pass upon the question I have submitted to the committee, in order that we may know fully what we have before us.

MR. BRITTON. The committee probably has never had an opportunity before to know what the Territorial bills provide. Chapter No. 52, as Mr. Wickersham read it, clearly imposes a license fee or tax upon various industries, and among other things a tax of 7 cents per case upon canned salmon, and we say that that is in direct contravention of the act of Congress known as the enabling act of the Territory. It has nothing to do with the question of providing means for the collection of taxes by the Territory.

MR. WICKERSHAM. The gentleman is clearly in error, because he is not acquainted with the situation.

MR. BRITTON. I think I know the situation as well as you do.

MR. WICKERSHAM. I do not think you do; or else you are not stating to the committee your correct judgment about it, because the third section of the organic act specifically gives to the legislature the authority which was exercised here. It specially gave to the Legislature of the Territory of Alaska jurisdiction and power to levy these license taxes, and the only defect that was suggested in the circuit court of appeals or anywhere else in respect to that act of the legislature was that the legislature, in the performance of its duty under the organic act, imposed a duty upon officers who had no right to perform that duty, to wit, commissioners and clerks of courts.

MR. WATSON. If your view of the law be correct in that respect, as to the constitutionality of the act of the Territorial Legislature of Alaska, what is the need, in this bill introduced by you here, to undertake to validate the act of the Territorial legislature?

MR. WICKERSHAM. You misunderstood me; I did not say that the act is valid; I said that it was invalid, but that it was invalid simply because the legislature undertook to put the burden of collecting the taxes upon the clerks of the court and not otherwise.

MR. WATSON. As I understood Mr. Britton just now, he said that section 1 of this bill undertook specifically to reenact and validate the revenue acts of the Territorial Legislature of Alaska.

Mr. WICKERSHAM. Yes.

Mr. WATSON. And I understand you to say that the only trouble about that act of the Legislature of Alaska is, not that the legislature, in prescribing the provision of the tax law, went in contravention of the organic act of the Territory, but that it undertook to devolve upon Federal officers duties which Federal officers were not under obligations to discharge.

Mr. WICKERSHAM. Duties that they were forbidden by the act to discharge.

Mr. WATSON. If that act of the Territorial Legislature of Alaska is invalid only because of the fact that it undertakes to devolve unlawful duties upon officers who can not perform them, is there any occasion in your bill, which undertakes to validate that act of the Territorial legislature, to reenact, so to speak, or to validate all the terms and provisions of the act of the Territorial legislature?

Mr. WICKERSHAM. Yes, sir; that is the purpose of the bill.

Mr. WATSON. Suppose your bill should undertake merely to relieve the act of the Territorial legislature of that obnoxious provision which devolves duties upon Federal officers without going specifically into the other portions or provisions of the act, would not that meet the situation?

Mr. WICKERSHAM. No, sir; that might not cure all the defects in the act of the Territorial legislature.

Mr. WATSON. Let us see about that. The act of the Territorial Legislature of Alaska required the performance of certain duties by certain Federal officers. Now, why could not the act of Congress simply provide that those officers, who are United States officers, shall perform those duties?

Mr. WICKERSHAM. The act does say that.

Mr. WATSON. Why can't it say so without undertaking to pass upon the legality of the act of the Territorial legislature in other respects?

Mr. WICKERSHAM. The only way it attempts to pass upon the legality of the act of the Territorial legislature is to cure the defects in it so as to make it a valid act. Now, Mr. Britton said to the committee, as I understood him, that, because of the fact that this act passed by the Territorial legislature levied a tax of 7 cents per case upon these salmon, it was in conflict with the act of Congress which had already levied 4 cents upon them, contending that the legislature had no power to put that 7 cents additional tax upon salmon. Now, I think he is wrong about that—

The CHAIRMAN (interposing). Let me make a suggestion right here. If there is any defect in this act of the Territorial Legislature of Alaska that needs remedying in order that you may provide that these Government officers shall perform the functions which the Territorial legislature undertook to impose upon them, that is a proper matter for us to consider in connection with this bill. Furthermore, if there are any terms or provisions in this act of the Territorial legislature that are in conflict with the organic act, that is a proper matter for us to consider, and that is a matter upon which the committee would hear the arguments of these gentlemen in considering this bill, but when we undertake to go into the economic questions and to determine whether or not it is proper and right to tax salmon and at what rate, it occurs to me that that is a matter

not before us under this bill. That is a matter which, in the first instance, ought to be determined by the Legislature of the Territory of Alaska. They know more about that than we do, and, naturally, they are better judges of the question of whether or not it is a proper rate of taxation. As a matter of course, if they should go wild and enact legislation that was manifestly improper, it might be corrected in the proper way—that is, it could be corrected in a bill introduced for that purpose.

Now, then, in reply to your statement made just now, if there is a conflict between the organic act and the terms of this act, then we ought to consider that question before we pass a bill to validate that act of the Territorial legislature, and upon that question I think it is proper to hear these gentlemen. But I do not think we should now go into the question of the rate of taxation and all that.

MR. BRITTON. I would like to insert in the record at this point a provision of the act of June 26, 1906, as follows:

That every person, company, or corporation carrying on the business of canning, curing, or preserving fish or manufacturing fish products within the Territory known as Alaska, ceded to the United States by Russia by the treaty of March 30, 1867, or in any of the waters of Alaska over which the United States has jurisdiction shall, in lieu of all other license fees and taxes therefor and thereon, pay license taxes on their said business and output as follows:

Canned salmon, 4 cents per case.

Pickled salmon, 10 cents per barrel.

Salt salmon in bulk, 5 cents per hundred pounds.

Fish oil, 10 cents per barrel.

Fertilizer, 20 cents per ton.

In the act approved August 24, 1912, which is the enabling act, Congress did not repeal the provisions of the act of June 26, 1906, imposing this tax, but it provided—

That the authority herein granted to the legislature to alter, amend, modify, and repeal laws in force in Alaska shall not extend to the customs, internal revenue, postal, or other general laws of the United States or to the game, fish, and fur-seal laws and laws relating to fur-bearing animals of the United States applicable to Alaska or to the laws of the United States providing for taxes on business and trade. * * * *Provided further*, That this provision shall not operate to prevent the legislature from imposing other and additional taxes or licenses.

Now, that would present to the committee the situation as it existed when the Territorial legislature, in 1913, passed the act imposing a tax of 7 cents per case on canned salmon, and that naturally raises the suggestion from counsel for the cannery that that provision of the legislature is in violation of the act of 1906 and of the enabling act, and the question of confirming the powers of the officers to collect the revenue is far exceeded when they seek to ratify and confirm an act of the Territorial legislature which is in direct violation of the terms of the act of Congress.

MR. WICKERSHAM. There is no such question here, or, rather, that question has never been raised before. Of course, there is that question now, because the gentleman raises it, but it never has been raised before to my knowledge. When this case went to the courts the question does not seem to have been raised that the legislature lacked any authority by reason of that last proviso—that is, "That this provision shall not operate to prevent the legislature from imposing other and additional taxes or licenses." Chapter 52 simply

imposes additional taxes or licenses for the benefit of the Territory. This proviso was intended to give that authority; it was discussed before the committee and before Congress, and it was understood that that was the purpose of the proviso. That was perfectly plain, and that question has not been raised anywhere until this moment, so far as I know.

Mr. BRITTON. It was raised when the enabling act was under consideration.

Mr. WICKERSHAM. By whom?

Mr. BRITTON. By myself and Mr. Dorr.

Mr. WEBB. It was also raised by me. You made a speech in the House in which you stated that it was your purpose to tax fish, and I spoke to Senator Jones about it. The act had then passed the House. I said to him, "Judge Wickersham said that he intended to tax fish," and he said, "In my opinion it would not be right to do it in this act"; and you will find that the word "fish" was inserted as a Senate amendment after the bill passed the House.

Mr. WICKERSHAM. Well, what of it?

Mr. WEBB. It was put there to bar this act of the legislature that you are asking to have validated.

Mr. WICKERSHAM. Not at all; it was put there to bar the legislature from exercising its full power and control over the Alaska fisheries, because the levying of taxes upon these fisheries would be one of the smallest parts of the power and jurisdiction over them if that other power and jurisdiction had not been taken away by the special limitation in the organic act. While the word "fish" was put in the organic act as an amendment and took away from the legislature its general power over the subject, another amendment was put on the bill in the House, because of the fact that the amendment had been made by putting the word "fish" in. I made a protest against it, and because of that protest the other provision was put in in the House so as to give the legislature power to levy additional license taxes.

Mr. BRITTON. It was done by the conference committee.

Mr. BRUNER. I would like to call attention to section 3 of the organic act, which provides that the laws now in force with reference to Alaska shall continue in full force and effect until altered, amended, or repealed by Congress or by the legislature.

Mr. WICKERSHAM. There is no question about that. I do not think there is any serious question that can be made on that point.

Mr. BROWNE. My name is Evans Browne, of the firm of Britton & Gray, Washington counsel of the Alaska Packers' Association.

If the chairman please, in this Alaska statute there is a provision imposing a tax upon fish shipped into or out of the Territory of Alaska at the rate of 10 cents per ton, and there is also a provision which imposes a tax of 10 cents per ton on all freight handled or lightered by lighterage companies. It is manifest from the very language of the statute that those provisions impose a direct tax upon interstate commerce. Now, it is hardly necessary to suggest that, as a matter of original legislation, the Territorial Legislature of Alaska has not the authority to put a burden upon interstate commerce, and the point can also be made that Congress, as a matter of original legislation, can not impose such a tax or validate a tax of that sort, for the reason that in so doing it would not be following the

long-established rule of uniformity; that is to say, the long-established rule that the burdens and regulations imposed upon interstate commerce by the Federal Government must be uniform. Under that well-established rule of law, the collection of this tax by the Territory of Alaska is prohibited. This act does not undertake to impose the burden of any similar tax anywhere else——

MR. WICKERSHAM (interposing). That is a question that has nothing to do with this matter, as I understand it. If that contention is true, you could raise that question in the courts at any time.

MR. BROWNE. I understand that that question is to be argued here before the committee by a gentleman who is now on his way here.

MR. WICKERSHAM. I do not know what points you gentlemen propose to argue, but I do not think there is any necessity for arguing that question here, because if the legislature has no power to impose a burden on interstate commerce, and that question is raised in the courts, undoubtedly the court would decide it; but we want the right for the Territorial Legislature to continue levying these taxes and collecting them in Alaska, as we are given the right to do under this proviso in the organic law. I say again to the committee that a reading of section 3 of the organic act will disclose to the committee clearly that the legislature had authority to impose other and additional taxes or licenses, that authority being given in express words by the organic act.

MR. WEBB. Mr. Chairman, when that act was under discussion, Mr. Wickersham stated that the idea was not to give to the Territorial Legislature of Alaska the right to make general laws in regard to fish, or laws about net or about spawning, or to put other and additional taxes upon them, they having been already taxed at so much per case, but that it meant that they might tax the holdings, warehouses, wharves, or impose upon that property other and additional taxes.

MR. WICKERSHAM. The gentleman is mistaken about what I said, for I did all I could to give the legislature full power over the Alaska fisheries without limitation. The legislature now has authority to levy a tax not to exceed 2 per cent on your shore property in that Territory on your real estate. You have millions of dollars worth of property there to-day that has not paid any taxes. You have more than \$6,000,000 worth of shore property that you have never paid a nickel of taxes on. For nearly 40 years your cannery property has not paid taxes, and now when it is proposed to collect this small tax for the support of Alaska, which will amount to \$120,000, you come here and set up a howl about it. You have done nothing for the support of government in Alaska, and now, for the first time, when you are taxed a little you come here and holler about it. The Alaska Packers' Association has made \$15,000,000 in profit out of the salmon fisheries in Alaska, according to their own statements, which I have here and which I will bring before this committee if there is any occasion to do it. If you can believe their records, and I assume that you can, that fact can be established by their own admissions. If you can believe their statements——

MR. BRITTON (interposing). If they are under oath, I think you can.

MR. WICKERSHAM. Oh, not necessarily, because they are under oath. Now, I feel that this is a very important matter——

Mr. WATSON (interposing). Judge Wickersham, the question I asked you this morning seems to me to have something practical in it. My question was to this effect: Would it not be practicable for you in your bill to validate the act of the Territorial legislature, in so far as it undertakes to impose additional duties upon the clerks, marshals, and deputy marshals of the district courts of the United States by extending their present duties? The question is whether or not you could validate that act of the Territorial legislature with respect to the duties imposed upon these officers without constituting this committee a court of appeals to pass upon the question of conflict of authority which has been raised by these gentlemen.

Mr. WICKERSHAM. I think it is possible.

Mr. WATSON. If that is possible all of these questions of law which have been raised by these gentlemen could be eliminated in the consideration of the matter by the committee, and this committee could report a provision in plain, concise terms to the effect that the act of the Territorial legislature, in so far as it undertook to impose these additional duties upon the clerks, marshals, etc., of the district courts, should be valid, thereby authorizing the officers mentioned to collect any duties or taxes which they could lawfully collect. That would leave all the questions of law involved to be decided by the courts.

Mr. CURRY. Congress could validate that section of the law and make them Alaska officials.

Mr. WATSON. Provision could be made that they should be authorized to collect any tax that they might lawfully collect.

Mr. CURRY. And the question of law, whether the tax was legally levied or not, might be decided by the courts.

The CHAIRMAN. Would not that bring before this committee simply the question of whether or not the law should be put into operation? If the law was simply put into operation the parties who are injured or the parties from whom the tax is collected could bring suits in the courts for relief.

Mr. WATSON. I had this in mind: I gather from the communications which have been read from the governor of the Territory of Alaska that the emergency which exists at this time is due to the unwillingness or inability of these Federal officers to collect the taxes which were prescribed by the Territorial legislature, and, if that be the only occasion for action on the part of Congress at this time, I thought that, if it were possible, the best way would be to deal with the specific question, and not undertake to deal with the question of the conflict of authority—that is, the question of whether the Territorial legislature had the legal authority to enact this law under the inhibitions placed upon it by the organic act. It was my idea that that would be the better way of dealing with the matter.

The CHAIRMAN. I want to ask Judge Wickersham this question: If a law were passed by Congress removing this inhibition against the performance of these duties by the Federal officers mentioned in these acts, what necessity would there be for any further action looking to the validation of the acts? The acts would then be operative and in force, because, as I understand it, that is the only thing in the way of having the taxes collected; and if we remedy that defect by removing the inhibition against the collection of the taxes by those Federal officers, why would not the law be in full force and

effect? Of course, any man who was injured by it would have the right to bring suit and test the act if it were thought to be unconstitutional.

Mr. WICKERSHAM. The real defect in this particular act is in section two, which provides that the licenses shall be issued by the clerks of the district courts. That provision reads as follows:

That the licenses provided for in this act shall be issued by the clerk of the district court or any subdivision thereof in compliance with the order of the court or judge thereof duly made and entered; and the clerk of the court shall keep a full record of all applications for license and of all recommendations for and remonstrances against the granting of licenses and the action of the court thereon.

That is the only burden imposed upon any Government official, that is alleged to be prohibited by the organic act.

The CHAIRMAN. Then, if that defect is cured, why could not the Territorial authorities go on with the law and put it in force?

Mr. WICKERSHAM. I am not sure about that, and I would like to make it absolutely safe by curing the defects—that is, by making it a valid act.

Mr. JOHNSON. How about the defects in the other act, H. R. No. 98?

Mr. WICKERSHAM. There are other defects in that act. Besides, the burden of collecting the taxes under that act was imposed upon these public officers.

Mr. WATKINS. If that defect should be cured in this instance, it could be cured in the other, and when they levied the taxes the parties injured would have to proceed in the same way.

Mr. WICKERSHAM. If the acts are invalid for any reason it would be necessary to make them valid by the action of Congress.

(Thereupon, at 12.15 o'clock p. m., the committee adjourned, subject to the call of the chairman.)

COMMITTEE ON THE TERRITORIES,
HOUSE OF REPRESENTATIVES,
Tuesday, March 31, 1914.

The committee this day met, Hon. William C. Houston (chairman) presiding.

The CHAIRMAN. Gentlemen of the committee, I suggest that we have an executive session.

The motion was agreed to.

(After executive session:)

The CHAIRMAN. Gentlemen, the committee in considering this bill, H. R. 11740, have been considering the question of disposing of part of the bill and letting the other part be held open; for instance, all that is involved in the second section—that is, to provide that these officers may collect the taxes.

Mr. WICKERSHAM. There is no objection, provided that we may hereafter do so.

The CHAIRMAN. Well, certainly all that is involved in the second section; we separate that from the question involved in the first section and reserve the consideration of the first section to a later hearing and act upon the second section. If any of you gentlemen

want to be heard upon that proposition, the second section alone without regard to the first, the committee would like to know it.

Mr. BRITTON. I think the sense of all the representatives here is that they have no objection whatsoever to section 2 of the bill, and that it is the absolutely right course for the Territory to collect its local taxes. The only thing they are interested in is section 1.

The CHAIRMAN. We do not want to take that section up now.

Mr. BRITTON. The suggestion that I would make to the committee, Mr. Chairman, is that you have a bill (H. R. 153), practically the Jones bill of two years ago—the Flood bill—which we assumed that you would want to take up at the same time and go into the entire subject of the method of regulation, the taxes, and the rate to be paid. It is perfectly agreeable to these gentlemen if you eliminate section 1 and adopt section 2 as it is in the bill, giving the Territory the right to collect certain taxes that it may lawfully collect, but without undertaking to confirm chapters 52 and 54.

The CHAIRMAN. Is that the sense of the gentlemen present?

Mr. BRITTON. Yes, sir.

Mr. WICKERSHAM. I do not approve of that. I say this, that without the first section it does not validate the chapters passed by the legislature.

The CHAIRMAN. That is the question we are reserving; we are not passing upon that question at all.

Mr. WICKERSHAM. I wanted the bill passed as it was introduced, validating these two chapters of the session laws; but, of course, I yield to the committee.

Mr. BRITTON. If there is any danger of that, Mr. Chairman, these gentlemen would desire most earnestly to be heard.

Mr. WATSON. Do the gentlemen want to be heard about that while in Washington?

The CHAIRMAN. Do you want to be heard?

Mr. BRITTON. These gentlemen have come here at the most inopportune time, because they are all getting ready for the season. Every time that the Alaska fisheries subject is brought up, it is brought up at the most inopportune time for them to be heard. If this hearing could be had in the winter at any time these gentlemen could come on and give the committee the benefit of their full information.

The CHAIRMAN. Would you gentlemen rather be heard now as you are here, or to come back in 30 or 60 days from now; that is the proposition.

Mr. BRITTON. The Bureau of Fisheries, we understand, is going to make researches during the coming summer which we would like to have before the committee in the consideration of the entire subject.

Mr. WATSON. Dr. Jones, who holds some official position in the Bureau of Fisheries, phoned me yesterday evening that he had been specially designated to investigate the fisheries situation in Alaska, that he did not know anything about the matter of the bills before the committee, but that he hoped before the matter was finally determined to be able to get the report before us; that he expected to spend the whole summer in Alaska.

Mr. WICKERSHAM. There will not be any report from the bureau this summer?

Mr. WATSON. That is what I would infer from what he said. He said that he expected to spend the whole summer in Alaska.

Mr. OGLESBY. It is your opinion, Mr. Watson, that you are not in favor of the consideration or determination of the subject until the matter has been thoroughly gone into and the representatives of the department have been heard?

Mr. WATSON. I do not mean to say that, but Dr. Jones told me that he expected to spend the whole of the summer in Alaska, and I would be very loathe to go into the subject until the department was ready to report.

Mr. OGLESBY. There does not seem to be any reasonable probability from any information you now have that this matter can be taken up for a number of months?

Mr. WATSON. I have told you all I know about it.

Mr. WICKERSHAM. It has been practically impossible to get anything done for the fisheries law in Congress. We have been trying for years to get something done, and we are not any further along now, and seem unable to get any final conclusion upon anything.

Mr. WATSON. This Congress has been a little more active than most Congresses, and I do not think that you can complain of inactivity. I think you will agree that we gentlemen would have to take up the fisheries question *de novo* and study it as an original proposition. I do not know how much data the department has collected. It may be that they are in a position to give us what information we desire. That I do not know. I simply told you of the message that I received from the department yesterday evening telling me that he hoped no final disposition would be made until the department had submitted its report.

The CHAIRMAN. We evidently could wait and get full information, especially the information from the department, but we do not know just how soon we can get it, and we can not tell with the other questions before us whether or not it is necessary for us to act before that time, before the information comes, and whether or not the condition in Alaska with reference to their revenue is such that it demands more speedy action than that. All that we ought to consider. I think we will have to ascertain the fact about it before we can determine it. Therefore, I suggested to these gentlemen whether they would rather make their statement while here now or go home and come back whenever they may be notified.

Mr. O'BRIEN. The second section is satisfactory to the gentlemen?

The CHAIRMAN. That is what they have said.

Mr. BRITON. In accordance with the telegraphic request of Gov. Strong, of Alaska, so far as I can see, that is all the Governor has asked Congress to enact.

Mr. WICKERSHAM. The gentleman is correct; but I do not think Gov. Strong went far enough in his request, but still I feel obliged to accept the statement made by Gov. Strong as final.

Mr. BRUNER. Mr. Chairman, the only matter before this committee is the present power of the legislature to tax and report the collection of taxes. I think that matter is entirely distinct from any report that the Bureau of Fisheries can make upon the general proposition of the quantity and care of fishes in Alaska. I would like to have the committee act upon the question, first, of the right

to impose these national duties, and, in the next place, as to the validity of this law, and I think it should be done at this time.

The CHAIRMAN. I suggest that you gentlemen get together between now and the day after to-morrow and determine whether any of you gentlemen desire to be heard or whether you would prefer to come back later and be heard.

Mr. OGLESBY. As I understand, that carries with it this proposition: If these gentlemen are heard now those on the other side of the case or any others will have an opportunity to be heard at some future time?

The CHAIRMAN. Certainly.

Mr. BRITTON. We can answer now that if it is the purpose of the committee to take up section 1 of this bill, we want to be heard and are ready to be heard now. If this committee does not care to take up section 1, then we will be at the convenience of the committee.

The CHAIRMAN. The committee has not determined whether they want to take up section 1. That is a matter which we have under consideration and which we are deliberating upon. We want to find out the desire of these gentlemen. We were rather inclined to defer the matter, but we did not want to compel you gentlemen to come and make a second visit if you were willing to be heard now.

Mr. OGLESBY. I would like to get an expression from these gentlemen as to how long, probably, it will take them to present their case?

The CHAIRMAN. I have no idea.

Mr. BRITTON. I can only say that there [exhibiting] is the record of the hearings before the subcommittee of the Committee on Fisheries two years ago, which did not finish the hearings.

(Thereupon the committee proceeded to the consideration of executive business, after which it adjourned to meet on Thursday, April 2, 1914, at 10 o'clock a. m.)

COMMITTEE ON THE TERRITORIES,
HOUSE OF REPRESENTATIVES,
Thursday, April 2, 1914.

The CHAIRMAN. There does not appear to be a quorum of the committee present and I would like you to state, Mr. Britton, the present status of the fisheries question and what the desire is of the gentlemen representing this interest upon the question of being heard now.

STATEMENT OF MR. ALEXANDER BRITTON.

Mr. BRITTON. Mr. Chairman, after the Jones bill was quite fully heard in the Senate, the further question of the general regulation of the fisheries in Alaska and the tax to be imposed on salmon was left for conference between the Fish Commission and the people interested in the fisheries. They got together and drafted a tentative bill, which, however, has never been presented to Congress. In the present session of Congress Mr. Flood has introduced H. R. 153, which is an exact duplicate of the Jones bill in the Senate at the previous session, before it was amended. No conference has been had between the Fish Commission and the fishery interests in regard to this subject at the present session, it being understood that the Fish Commission desired to look into the matter further through

detailed examination on the ground. The Flood bill and the tentative draft heretofore spoken of takes in the entire question of the fishery interests in Alaska, including the amount of tax to be imposed on canned salmon. These gentlemen are not desirous of taking up a full hearing on these detailed questions until after the Fish Commission has made its present researches and until the conditions existing this year are known, so that the committee, when it takes up the subject will have the latest and fullest information on the subject.

In the next place, the men who are acquainted with the details of this industry can best come to Washington in the winter. At this season of the year they are preparing to go to Alaska or are on their way there. The gentlemen who are here are either the owners of the canneries or the legal representatives. They can speak on the law, but they are not so fully acquainted with the details as the managers.

The CHAIRMAN. We are, of course, anxious to dispose of this matter as quickly as possible, as to whether you want to be heard or not. The vital question is whether these gentlemen who have come here from the Pacific coast would like to make their statements before this committee while we are here or go back home and make a second trip here when the matter is taken up again.

Mr. BRITTON. I think they would rather have the matter go over.

The CHAIRMAN. I would like to have printed in the hearing a letter I have received from the Assistant Fish Commissioner, or Deputy Commissioner. The general purport of it is that Mr. Jones, the Deputy Commissioner, is going to Alaska to examine into conditions there, especially the question of fisheries. He wants to take up the whole subject and report in full.

Mr. BRITTON. Who is Mr. Jones?

The CHAIRMAN. The Deputy Fish Commissioner. They prefer and request that this matter be delayed until they can make an examination and report.

(The letter is as follows:)

DEPARTMENT OF COMMERCE.

BUREAU OF FISHERIES.

Washington, April 1, 1914.

HON. WILLIAM C. HUSTEN.

Chairman Committee on Territories.

House of Representatives, Washington, D. C.

MY DEAR SIR: Acting on your suggestion I am herewith outlining briefly the purpose of my trip to Alaska this summer. As United States Deputy Commissioner of Fisheries, Secretary Redfield has placed under me the direct supervision of the fisheries of Alaska. He has further authorized me to go this summer with a view of making a complete survey of all the hatcheries, both Government and private, canneries, salteries, fertilizer factories, cold-storage plants, herring stations, and, in fact, all parts of the work that come under this bureau's jurisdiction in that Territory, and upon my investigations to make a clear and comprehensive report that will be backed up by facts which will enable the Secretary to clearly place before Congress and its various committees the present conditions of the fisheries in Alaska, with suggestions as to what is necessary to protect, build up, and perpetuate the fishing industry.

The Secretary's ideas in this matter have been indorsed by a great many Members of Congress, and he is making preparations that will enable me to carry out the object of my trip with perfect satisfaction. This great work before me is well appreciated. I do not even in the smallest degree underestimate the seriousness of this great problem and undertaking. I expect to leave some time in May to be gone four to five months, and you can rest assured that I will do everything within my power to deliver a comprehensive report

that will be of real benefit and help in enacting future legislation for the welfare of the Alaska fisheries. I am taking with me a photographer. The results of his work will enable me further to substantiate my report as to certain existing conditions that will be well illustrated by photographs.

I earnestly hope that any pending legislation pertaining to this subject, if proper and consistent with the views of yourself and your committee, may be withdrawn temporarily until after my return,

Realizing fully the importance of this mission, I will go on it with the single purpose of learning all conditions exactly as they are.

I am,

Respectfully, yours,

E. LESTER JONES,
Deputy Commissioner.

Mr. WICKERSHAM. The result of these delays will be, Mr. Chairman, that Congress will not do anything with the fisheries in Alaska. The Fish Commissioner can not make a report until after he returns in July. That delay will adjourn the whole matter over for this session. The next session of this Congress, beginning in December, is the short session, and it will be so arranged that nothing will be done then. It will go over until the next Congress, and the same delays will occur again. That has been the result of these efforts for continuance and delay year after year. All Alaska gets is a volume of hearings and never any laws for protection. In the meantime, the Alaska fisheries are being destroyed, and I earnestly protest against further unusual delay in this matter. I think Congress ought to take hold of this question and protect this great food supply from destruction.

The CHAIRMAN. With that statement of facts we will have to have the committee in session and a quorum present to act in this matter.

Mr. WICKERSHAM. I very earnestly request that something be done.

Mr. ELLWOOD BRUNER. Mr. Chairman, it seems to me that the main purport of this bill should be whether or not the additional duties which were imposed upon Federal officers by the legislature shall be granted by this Congress.

The CHAIRMAN. That, Mr. Bruner, we have already provided for by action of the committee.

Mr. BRUNER. I am hoping, then, that will be segregated from this bill.

The CHAIRMAN. You are aware of the committee's action on that matter?

Mr. BRUNER. Yes, sir.

The CHAIRMAN. We have reported that bill.

Mr. BRUNER. Then I do not care anything further about it. We are willing, so far as the legislature is concerned, to test the principle whether, under our organic act, we are entitled to tax the fisheries or not.

The CHAIRMAN. We can not take any action now.

Mr. WICKERSHAM. That is true, but I want Congress to validate these acts and make some provisions for preserving the fisheries in Alaska, and do it this session.

The CHAIRMAN. We will have the committee called at such time as we can get a quorum, and we will then go into the question further.

COMMITTEE ON THE TERRITORIES,
HOUSE OF REPRESENTATIVES,
Friday, April 3, 1914.

The committee this day met, Hon. William C. Houston (chairman) presiding.

The CHAIRMAN. Gentlemen of the committee, we will take up this morning the question of the course of the committee as to what we are going to do in regard to this question of the Alaskan fisheries and the taxation question involved in the first section of the bill H. R. 11740.

We had before us at the last meeting of the committee a letter from Dr. Jones, Deputy Commissioner of Fisheries. That letter has been printed in the hearings and I take it that you gentlemen know its contents. Upon the question as to whether or not we should go into the consideration of this question at this time, or put it off until later, I am willing to hear any statement from any member of the committee, and I would like to hear any other gentlemen who are here who want to be heard upon that proposition and who are interested in the consideration of this question. That also brings us to the consideration of a question which I have spoken of heretofore, that in the event of postponing this subject or making this investigation, whether or not the men who are here now from the Pacific coast would like to be heard at this time or, in case the consideration of the subject is postponed, later on.

Judge Wickersham, you stated at the last meeting that you were opposed to deferring this matter, and that you would like some steps to be taken at as early a date as possible. We are willing to hear from you now on that subject.

**STATEMENT OF HON. JAMES WICKERSHAM, A DELEGATE IN
CONGRESS FROM THE TERRITORY OF ALASKA.**

Mr. WICKERSHAM. Mr. Chairman and gentlemen of the committee, I have been trying for five or six years to get some legislation from Congress for the protection of the fisheries in Alaska, but always in vain. We have had numerous hearings from time to time, but no results have come from them. Invariably efforts to continue the matter somewhat indefinitely have been made, and invariably the matter has been continued without passing any laws for the protection of the Alaskan fisheries.

I do not wish to appear unreasonable, gentlemen of the committee, at this time, either to the committee or to the gentlemen who represent the canneries in Alaska, but I do wish to say to the committee most earnestly that while this matter is not acted upon, in the meantime the fisheries in Alaska are being depleted and destroyed.

I want to make a sufficient statement, if I may, to present the matter to the committee so that the committee will have at least some reference to the evidence which I want to put before you in proof of the fact that the fisheries are being depleted, and that if this committee does not take hold of this matter soon and do something there is going to be great harm done to the fisheries in Alaska, to a great food supply of that Territory, and, I may say, a food supply not only of the Territory of Alaska but of the whole Nation, which is being destroyed.

If the committee will hear me briefly at this time, I want to call the attention of the members of the committee to a very remarkable report made by an official of the Bureau of Fisheries some years ago. It will be found in the Bulletin of the United States Fish Commission, volume 18, for the year 1898.

The report was made at that time by Jefferson F. Moser, commander, United States Navy, commanding the United States Fish Commission steamer *Albatross*, then in Alaskan waters, for the purpose of ascertaining the facts with respect to the fisheries there, as to whether or not they were being destroyed and depleted at that time, in 1898.

Since that time Capt Moser has left the service of the Government and is now general manager and in control of all the fishing industries of the Alaska Packers' Association in Alaska. He is a man of great strength of character, and is just such a man as one would expect to find at the head of a great enterprise of that kind. He is an ideal gentleman, and what he says is entitled to the greatest weight, notwithstanding the fact that he now represents the Alaska Packers' Association as their general manager.

In 1898, in his report, he went into the question of the depletion of the salmon streams in Alaska. It is a very important report, and I am glad to have it here, because I want to commend it to the most earnest and careful study of the members of the committee in regard to the general proposition of the destruction of the salmon in Alaska.

In that report, at page 34, Capt. Moser said, under the head of "Depletion of streams":

When a person interested in a cannery is questioned regarding the decrease of salmon in Alaskan waters, he is likely to assure you at once that there are just as many salmon in the streams as there ever were, and begins his proofs by citing years like 1896, when there was a large run of redfish in Alaska; but any disinterested authority on the subject will say that the streams of Alaska are becoming depleted. While it can hardly be said that the streams will fail entirely within a few years, there is no doubt that the average runs show fewer fish year by year, and if the laws are not amended and enforced, the time will come in the not very distant future when the canneries must suffer through their own actions.

It is a difficult matter to furnish convincing proofs to those who do not wish to be convinced, and any argument may fail with those who are interested commercially. It is also difficult to establish proof by statistics, because accurate stream statistics, as a rule, can not be obtained; and, as to packs, the canneries have multiplied in numbers, and many of them have been so enlarged that no comparison can be made. The causes of the depletion are the ~~bar-~~bleading of streams and overfishing; in other words, illegal fishing.

* * * * *

Probably nowhere is the depletion more noticed than in Copper River Delta and Prince William Sound district. In 1890 the two canneries used 20 boats, each with 150 fathoms of web, besides seines, and fished Mountain Slough Eyak Lake and River, and Algonok and Glacier Sloughs in the delta, and Miner River and Cheniga in Prince William Sound. In 1897, to make a slightly increased pack, one cannery used 32 boats, the other 43, all with 450 fathoms of web to a boat, and they fished all the streams from Chilkhat River to Eyak in the delta, and all the streams in Prince William Sound. There is no doubt in the minds of the people of Prince William Sound that the streams are being depleted.

It goes on to give more specific data showing the decrease in the salmon trade in Alaska, the cause of the depletion, and where the depletions have taken place, and it also goes to show the great depletion of the Karluk and other streams in Alaska. That was in 1898.

These gentlemen here representing interests in Alaska will bring their statistics before you, statistics which they have very beautifully prepared and which are substantially correct, to show that, notwithstanding the prognostication of Capt. Moser in 1898, that there has been a very large increase in the packing of salmon in Alaska since that date.

Mr. JOHNSON. Where are Capt. Moser's headquarters at the present time?

Mr. WICKERSHAM. In San Francisco. He is the general manager of the Alaska Packers' Association.

Mr. JOHNSON. And a statement could be had from him at this time?

Mr. WICKERSHAM. We have that; it is all here.

It is undoubtedly true that since 1898 the pack of salmon in Alaska has largely increased, and that is easily explained by people who know the general situation.

In 1898 they were fishing, substantially, at the mouths of streams. Capt. Moser pointed out that by the methods of fishing in vogue at that time they were depleting the streams. Since that time the method of fishing has largely changed. In 1898 there were very few traps catching fish. At this time there are many hundreds of traps. I do not know whether you gentlemen know what a fish trap is.

Mr. WATKINS. Are fish traps allowed under the law?

Mr. WICKERSHAM. They are allowed under the law. These pound nets are strung on piles; that is, a row of piles is driven from the shore away out in the deep water, and a jigger or wing is put on out there. At the point where the shore line of piles reaches the jigger line there is a trap so arranged that the fish coming along-shore—and they usually follow a particular course—they go into the heart of the net, and so they catch thousands of them in that way. The number of them caught in that way is so great that you would hardly believe it.

The CHAIRMAN. I believe you were describing the trap.

Mr. WICKERSHAM. Yes.

The CHAIRMAN. And you spoke of it as a net?

Mr. WICKERSHAM. It is a net on piles, strung on piles in the water.

Mr. DAVENPORT. We call it in our country a fish basket.

The CHAIRMAN. I would be glad if you would describe the trap.

Mr. WICKERSHAM. The trap consists of a row of piles driven out to the deep water with a wing on the outside of it for the purpose of guiding the fish into the nets, and then a webbing or net is strung all around on the outside in such a way that the two long wings drive the fish into the central part of the net and there they are caught. That is about as accurately as I can describe it.

Mr. WATKINS. Does the law allow them to completely obstruct the passage of the fish?

Mr. WICKERSHAM. Theoretically, no; the law says not. But they substantially do that, by reason of the number of traps they set and the places at which they set them. Trap fishing has largely increased since 1898. There are hundreds of traps now where there were only a very few at that time.

Mr. CURRY. Is not that kind of fishing done to-day, generally, all over the word?

Mr. WICKERSHAM. Oh, yes.

Mr. CURRY. They are supposed to be——

Mr. WICKERSHAM (interposing). I wish the gentleman would let me make my own statement.

Mr. CURRY. I thought the gentleman would like to know what a trap net was.

Mr. WICKERSHAM. It is a common method of catching fish.

Mr. CURRY. It is the only method.

Mr. WICKERSHAM. The gentleman is greatly mistaken when he says that.

Those traps are now being substantially supplemented by nets at sea. The fishermen have discovered by their long years of experience at this business that they can go out to sea and catch the fish before they get near the pound nets along the shore. Notwithstanding the fact that the pound nets have greatly increased, have increased to such an extent that where they are located now it looks like a forest growing out of the water, now they are going out to sea in great power boats, going out as far as 20 miles, and there they catch the salmon before they get near the shore, and they are capturing great quantities of salmon in that way at this time.

Trap fishing has been substantially built up since this report was made in 1898 by Capt. Moser, and the practice of fishing at sea has practically been entirely wholly built up since that time. The result is that in that way—in that manner of catching the fish—the output in Alaska has increased during these years, and it is greater to-day than it was several years ago. But that is because, Mr. Chairman, they are going out into the sea and along the shore and are capturing fish they never thought of capturing in 1898 when Capt. Moser wrote that report. In other words, instead of taking the interest on the fishery fund in Alaska, they are now catching the principal. They are taking the whole of the great body of the salmon in Alaska before they even get to the shores, and when some of them do get to the shores hundreds of traps are set so that they may catch what are left. Now, in order that the committee may know that the matter has reached the limit, I want to quote some of the testimony of Dr. Evermann, who, until within the last few weeks was in charge of the Alaska fisheries in the Fish Commission. Two years ago we had one of these——

The CHAIRMAN. He was a governmental official?

Mr. WICKERSHAM. Two years ago we had one of these hearings before the Senate committee, and Dr. Evermann testified at that time. Dr. Evermann was the chief of the Alaska division of the Bureau of Fisheries.

On page 28 of this volume 2 of the hearings held before the subcommittee of the Committee on Fisheries in the Senate on January 17, 1913, I asked Dr. Evermann some questions in regard to this matter, and I will read you some of the testimony that he gave at that time:

Mr. WICKERSHAM. Are not they overworking the salmon streams of Alaska? Dr. EVERMANN. I think so; some of the streams.

Mr. WICKERSHAM. Did not you state two years ago, doctor, that the maximum had been reached in the output of the salmon streams of Alaska?

Dr. EVERMANN. Perhaps; I do not remember. I am not sure now that, so far as the red salmon are concerned in Alaska, the maximum has been reached.

While the pack is kept up, it is maintained because of a remarkable increase in the cheaper grades without a corresponding increase in red salmon.

Mr. WICKERSHAM. Has the red been decreasing?

Dr. EVERMANN. Yes. I do not know just what the figures this year show, but I think you will find that they show a decrease.

Mr. BOWER. The total pack of red salmon from Alaska during 1912 was about 1,900,000 cases.

Dr. EVERMANN. How much was it in 1911?

Mr. BOWER. One million three hundred and fifteen thousand cases.

Mr. WICKERSHAM. So that it was an increase this year?

Dr. EVERMANN. Yes.

Mr. WICKERSHAM. You think, now, the maximum has been reached that ought to be taken out of those streams?

Dr. EVERMANN. Of course, it is hazardous to make positive prediction of what may happen; but it is reasonable to suppose that we have reached the danger line.

Mr. WICKERSHAM. Doctor, you are in charge of the Alaska fisheries; and I would like to have you inform this committee as to when some brake ought to be put on taking fish out of those streams.

Dr. EVERMANN. We have been trying to put the brake on for the last several years.

Mr. WICKERSHAM. Then, your judgment is that it ought to be put on?

Dr. EVERMANN. And we have succeeded now. I am happy to say, with the consent—even at the suggestion—of the important canning interests. The brake has been put on in a number of streams in Alaska by order of the Secretary of Commerce and Labor.

Mr. WICKERSHAM. Where has that been done?

Dr. EVERMANN. Fishing is prohibited now, or will be next season, in all of the streams tributary to Cook Inlet.

That brings to my mind another thought. Formerly they did not trap the cheaper grades to the same extent that they do now, and now that the fish are becoming scarcer, they are putting up fish that they did not touch at all in the previous years, and they are putting up large quantities of the cheaper grades. By going to sea and catching fish, and by using this great wilderness of trap nets, and by putting out other nets it is true they have kept up the catch in Alaska, but it is within the knowledge of everybody who has the smallest information on the subject and who wishes to preserve these fish, that the maximum has long ago been reached, and that we are now witnessing waste and destruction with respect to the fisheries in Alaska.

Now, Mr. Chairman, the Alaska salmon streams can be depleted. I have here a most interesting book. It is the Pacific Fisherman's Yearbook, issued in January, 1914. It is published in Seattle, and, I understand, it is maintained by the packing interests of the Pacific coast. Whoever does it does a good job. I think it ought to be carefully examined by the members of this committee if you are going to study the subject of fisheries in Alaska.

I want to call the attention of the committee to one stream which has been depleted in California, and that is the Sacramento River. The Sacramento River was one of the first rivers upon which cannerymen put up salmon. In 1864 the first canned salmon were packed in California on the Sacramento River. In 1882 there were 200,000 cases of canned salmon put out from the Sacramento River—48 pounds to the case, making a total of 4,800 tons of salmon canned during that year on the Sacramento River.

Then it began to decrease, and it went down to 123,000; then to 90,000; then to 57,000; then to 31,000; then to 14,000; and finally in 1906 there were none put up on that river. For three or four years there were none put up, but in 1913 there were 950 cases put up on the

Sacramento River. In short, that great salmon stream has been utterly destroyed and there are no fish there now, substantially.

Of course, that situation resulted from several causes. It resulted from overfishing, and from putting barriers across the streams to catch the fish, and it resulted in part from mining. All these things are going to happen in Alaska. There is mining going on there now on many of these streams. All the obstacles that operated to bring about that evil in the Sacramento River will operate in Alaska as soon as they open up that country. As soon as that is done and they get to work in there, the streams there are going to be depleted.

When the first Russians went to Kadiak Island, more than a century ago, they found the Karluk salmon stream surrounded by Indians. It was a great fishing spot. That stream has probably turned out more canned salmon than any other stream in Alaska. Dr. Evermann and all those who were acquainted with it say it was the greatest salmon stream in the world. I saw the fishing going on there in 1903. I know how it was done. They had at one side a great post set in the ground sufficient to hold the nets. The nets were put into big boats, and they were long nets, some of them half a mile long, I suppose, and they were carried out into the bay, and as they came around they were fastened to a rope on the shore, to which was attached a big engine, and when they got that far along the big engine pulled the nets for them. The number of fish which they caught in there is simply unbelievable, and they were pulled in by machinery. The men themselves were unable to handle big nets of that kind. They were able to handle the small nets, but when they got machinery handling the fish for them they soon destroyed that stream. Every fisherman in that region knows it is destroyed; knows that the greatest salmon stream in Alaska has been destroyed.

The Wood River was perhaps the next greatest salmon stream in Alaska. The President made a special order withdrawing the Wood River from the fishing of the Alaska Packers' Association and other companies who had their canneries there, and their fish traps, and every other possible scheme and device for catching fish.

Now, I have plenty of other testimony along this line. Here is a whole bundle of petitions from the fishermen of Alaska asking for the abolishment of the fish trap. Here are the men who live in Alaska. There are all kinds of fishermen—seiners and all other kinds.

Mr. JOHNSON. They ask for the abolishment of all kinds of fish traps?

Mr. WICKERSHAM. The abolishment of the fish traps, as I have described them here.

Mr. Chairman, it is pretty hard to get the fishermen in Alaska to go into court. Those who are engaged in fishing there and who know the true situation do not care to go into court because of the overwhelming power of the Alaska Fishing Trust, which controls the situation in Alaska. I have talked to a great many of them, and I know what the situation is; and from the evidence given to me by these people and from what little I have seen—and I do not profess to have any particular knowledge as an expert—I am satisfied that the pound net or trap is a great destroyer of fish.

Soon after a fish goes into a pound net it is dead. The pound net destroys every fish that gets into it. The pound net is set out in the deep water, and when there is a big run of fish on they run into the heart of the net, and there they accumulate in such numbers that the photographs of them make you think they are solid bodies of fish. I have photographs here showing that condition. It looks like a solid body of fish, and when the tide begins to go down and the fish begin to settle down on each other they are dead. When the bottom of these nets is cut out, as it frequently is, many tons of fish slide out into the boats dead.

They catch all kinds of fish in those traps. The catch the silver salmon and the humpback salmon. If they do not use any of them as they formerly did not all of the fish going into that net, except the choice fish, are destroyed. More fish are destroyed in Alaska in that way by the traps than are canned, if the evidence which comes to me is substantially accurate, and I have every reason to believe it is. I will say to the committee that I do not know that of my own personal knowledge, because I have seen so little of it that I can not say that to be true, but I do say it upon information that I believe most earnestly, and I say it in the presence of Dr. Jones, because I would like to have him find out whether it is true, and I also want to say in the presence of Dr. Jones that it is generally known that he is going to Alaska, and I have seen the inspector coming around in Alaska, and when the inspector comes after notice things are in pretty good shape.

I do not want to take up any more time of the committee to-day. The point I am making is this, that if you gentlemen do not do something in Alaska the fisheries there are going to be destroyed. The cannery there do not want to destroy the fisheries. The trouble is that there are a hundred fishing concerns in Alaska. There are hundreds of the traps. Many of them are not owned by the canning companies at all. People go up there and sell the fish to the canning companies. The shore is lined with these traps, and they are overfishing.

Capt. Moser says they were overfishing in 1908, and yet in 1914 they are fishing more vigorously than ever. Now, Mr. Chairman, there are some telegrams here from people who claim to be members of Alaska fishermen's unions in Seattle and in San Francisco. There is no such thing as an Alaska fishermen's union in that country, except as a dummy. There are dummies down there who claim to be Alaska fishermen's unions, but they are not. It is very easy to get up an Alaska fishermen's union and send a telegram down here to Washington. These people who go to Alaska to fish are picked up along the wharves in San Francisco and other places, and when the fishing season begins they are taken to Alaska and at the close of the fishing season they are brought back, and they are paid \$165 for the season, but they are not paid anything in Alaska. They are not paid a cent until they get back to Seattle or San Francisco or Portland, and then they are put on the wharves, and then they are paid \$165, and that is the end of it. Then these telegrams are sent from the alleged fishermen's unions in these different places. The Alaska fishermen's unions in Alaska are composed of men who live in Alaska. They

are composed of the men who signed these petitions and sent them here, and are the men who are trying to get some protection for these fisheries in Alaska.

There is a Southeastern Alaska Fisherman's Association, which has headquarters at Ketchikan, and they have made a statement in regard to this matter, which I will put into the record at this point, if there is no objection.

(The statement referred to is as follows:)

SOUTHEASTERN ALASKA FISHERMEN'S ASSOCIATION,
Ketchikan, Alaska, March 4, 1913.

DEAR SIR: The people of Alaska, Indians and whites, whose homes and interests are in Alaska, and whose laws affecting their most vital interests are all made in Washington, D. C., ask your serious consideration of the following:

The only important industry of the people of southeast Alaska is fishing. It is the work by which the permanent residents directly (or indirectly, as merchants, etc.) make their living. There is very little mining; the land is not fit for farming, being nothing but a thin layer of decayed vegetation over solid rock.

Salmon used to be the principle food of the natives, now the canneries are trying to take them all, and the natives do not get their share. In streams where salmon used to be abundant they now find none.

Almost all of the work inside of the canneries is done by Chinese and Japanese contract laborers brought from San Francisco and other places by the canning companies. Hardly any of this work is offered the residents of the country.

Every year the locating of more fish traps by the canneries is making the only important industry of southeastern Alaska a monopoly of nonresidents and foreign corporations, whose great wealth has been taken from the waters of Alaska by the operating of canneries a few months annually, but it is spent elsewhere, and work for the people whose homes are here grows less and less every season.

If the natives are deprived of the opportunity to fish for their living the Government will have to support them. If the white residents are deprived of that opportunity they will have to leave the homes they have worked hard to get and go elsewhere.

The natives are proud and self-respecting. They wish to support themselves. They wish to vote and have the rights of citizenship. Now they pay taxes but are not allowed to vote.

Further, the traps destroy countless millions of fish, and if their continued use is allowed, the once plentiful salmon will be as rare in our waters as the once plentiful buffalo is now on the western plains, and many other animals and birds that have been wantonly destroyed to enrich a few.

Last summer the traps caught so many fish that even the canneries, whose canning capacity is 144,000 and 168,000 cans a day, could not can them, so they sold them to other canneries who had no traps, and refused to take fish from the fishermen, which prevented the fishermen from earning anything for the better part of the season.

PRICES CANNERIES PAY FISHERMEN IN SOUTHEASTERN ALASKA.

The fishermen in southeastern Alaska are paid one-third or less the price that fishermen receive on Puget Sound, and the cost of living here is twice as much and more, and even these prices were not granted by the canneries until after a stubborn strike by the fishermen:

Humpback salmon $1\frac{1}{2}$ cents a fish at streams; delivered at canneries by the fishermen, $1\frac{1}{4}$ cents a fish; average weight, 6 pounds.

Sockeyes and Cohoes at streams, where fish are large 12 cents; delivered at canneries, 15 cents a fish; average weight, 9 pounds.

At streams where these varieties are a little smaller, 10 cents a fish; delivered 12 cents.

Dog salmon, 3 cents apiece at streams; delivered $3\frac{1}{2}$ cents; average weight, 11 pounds.

COMPARISON OF THE CATCH BY TRAPS AND SEINES.

Continued fishing with traps will soon exterminate the fish, while fishing with seines can not, if for no other reason than that the traps are catching fish steadily night and day for six days of the week (even when the law to close them on Sunday is obeyed, and we have affidavits that it is not always obeyed), while in fishing with seines the men usually begin at 5 o'clock in the morning and stop at 6 in the evening and only drop the seines into the water where there is supposed to be a school of fish.

A crew of 5, 6, or 7 men fishing with a purse seine might if they had rare, good luck catch 20,000 fish a day, while one trap could easily catch 60,000.

CONSTRUCTION OF FISH TRAPS.

There are two kinds of traps, stationary and movable. The latter can be moved from place to place by towboats of sufficient power. Both are constructed chiefly of piles and fish net so arranged that fish pass through one funnel-shaped opening to another and they never turn back and come out.

The piles of the stationary trap are driven as deep as is necessary to be secure and usually stand 80 feet or more above the bottom of the sea—about 2 feet above high-water mark.

After the fishing season they are a menace to navigation and a danger to small boats as no lights are kept upon them. They extend from the shore out as far into the water as the schools of fish are known to run—a thousand feet or more. The fish always run near the shore.

Ex-Gov. Clark in his report for 1912 states that "With a trap or a series of traps extending out 1,000 feet into a channel, often several miles wide, the part of the passage blockaded against the salmon is comparatively small."

As it is a well and widely known fact that the schools of fish always run close to the shore, a trap extending out 1,000 feet, or less, would catch all the fish going in that direction seeking their spawning grounds (until packed too full to hold more), whether they numbered 1,000 or many thousands.

After a fish strikes a trap it never gets out until taken out—dead or alive.

IMMENSE WASTE OF FOOD FISH AT LOW WATER.

The average fall from high water to low water is 15 feet. When a trap is full of fish as soon as the tide gets low the weight of those on top smother those underneath. The skin is worn off to the flesh and the entrails forced out.

Traps also destroy countless millions of fish which seines do not, because small salmon (under a certain size are not canned), bass, trout, cod, flounders, halibut, etc., get into the traps and are smothered to death, and damaged so they die, and are thrown away with the damaged salmon when the fish are taken out of the traps, in which they are liable to lie 4, 5, 6, or 7 days before being taken out.

Dog fish (a species of shark) also destroy quantities of salmon in the traps. In seine fishing any other fish than the salmon are immediately thrown back into the water by the fishermen.

The majority of the people of Alaska ask that fish traps be abolished from the waters of Alaska because—

Their continued use will soon exterminate the food fish of all kinds.

They make fishing a monopoly which enriches a few and impoverishes the many.

They are a "special privilege" because they catch fish night and day, which the people can not do, and were there a law forbidding this its enforcement could hardly be accomplished.

A petition for the abolishment of fish traps, signed by 2,921 of the residents of southeastern Alaska has been sent to Congress through Delegate Wickersham, of Alaska, and we respectfully request early passage of such legislation.

Faithfully, yours,

NELS. GIBSON,

Secretary-Treasurer Southeastern Alaska Fishermen's Association.

Mr. WICKERSHAM. I have received many letters during the last five or six years in which the writers undertake to secure some protection for the fisheries in Alaska but so far nothing has been done.

Now, I have only one other thing I want to put into the record, and that is official. I have here a letter from the Department of Commerce, Office of the Secretary, which is dated March 25, 1914, and is signed by E. F. Sweet, Acting Secretary.

The letter says:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 25 1914.

MY DEAR CONGRESSMAN: In further reply to your letter of the 21st instant, there is transmitted herewith a list of the canneries operating in Alaska, together with the output of each for the years 1912 and 1913.

Very truly, yours,

E. F. SWEET, *Acting Secretary.*

HON. JAMES WICKERSHAM,
Delegate from Alaska, House of Representatives,
Washington, D. C.

Then follows the list of salmon canneries in Alaska and the output of those canneries for the years 1912 and 1913. There is given in this list the name of the company, the home office of the company, the location of the plants, the number of cases packed in 1912, and the number of cases packed in 1913.

(The matter referred to is as follows:)

Salmon canneries in Alaska and output for years 1912 and 1913.

Name of company.	Home office.	Location of plants.	Cases packed.	
			1912	1913
SOUTHEAST ALASKA.				
Admiralty Trading Co.	Seattle	Gambier Bay	1 33,822	1 20,676
Alaska Fish Co.	do.	Waterfall 2	34,909	14,996
Alaska Pacific Fisheries.	do.	Chilkoot	31,098	21,541
Do.	do.	Yes Bay	74,509	74,607
Do.	do.	Chomley	86,179	78,483
Alaska Packers' Association.	San Francisco.	Loring	104,682	139,491
Do.	do.	Wrangell.	65,484	82,049
Alaska Sanitary Packing Co.	Seattle	do.	11,959	18,726
Astoria & Puget Sound Canning Co.	South Bellingham.	Excursion Inlet.	43,118	30,156
F. C. Barnes Co.	Portland	Lake Bay	22,932	28,178
Canoe Pass Packing Co.	do.	Canoe Pass.	36,943	(3)
Deep Sea Salmon Co.	Seattle	Ford Arm	26,222	20,760
Fidalgo Island Packing Co.	Anacortes.	Ketchikan	72,810	50,013
Hawk Fish Co.	Seattle	Hawk Inlet.	45,155	34,720
Hidden Inlet Canning Co.	do.	Hidden Inlet.	14,969	16,553
Herbert Hume Packing Co.	do.	Nakat Inlet	19,879	(3)
Hoonah Packing Co.	Port Townsend.	Hoonah	46,269	31,513
Irving Packing Co.	Seattle	Karheen	27,715	25,166
Kake Packing Co.	Astoria	Kake	26,012	20,652
Kasaan Co.	Seattle	Kasaan.	76,757	71,940
Kuiu Island Packing Co.	do.	Beauclaire.	22,231	40,395
Lindenberger Packing Co.	do.	Roe Point.	61,167	53,496
Do.	do.	Craig.	57,281	49,029
Metlakatla Industrial Co.	Metlakatla.	Metlakatla.	4,091	(3)
Geo. T. Myers & Co.	Seattle	Chatham	80,254	71,122
North Pacific Trading & Packing Co	San Francisco.	Klawack	41,359	40,730
Northwestern Fisheries Co.	Seattle	Hunters Bay	44,414	37,323
Do.	do.	Quadra	44,291	35,162
Do.	do.	Santa Ana	30,554	34,397
Do.	do.	Dundas Bay	34,066	32,526
Oceanic Packing Co.	do.	Waterfall.	8,310	(4)
Pacific American Fisheries	South Bellingham.	Excursion Inlet.	100,666	99,000
Pacific Coast & Norway Packing Co.	Seattle	Petersburg	49,362	45,067
Pillar Bay Packing Co.	do.	Pillar Bay	13,247	28,101
Point Warde Packing Co.	do.	Point Warde.	35,650	(3)
Pure Food Fish Co.	Ketchikan.	Ketchikan	27,643	26,236

¹ Each case represents forty-eight 1-pound cans.

² In 1912, floating plant, Glory of the Seas, was operated.

³ Not operated.

⁴ Combined with Alaska Fish Co. in 1913.

Salmon canneries in Alaska and output for years 1912 and 1913—Continued.

Name of company.	Home office.	Location of plants.	Cases packed.	
			1912	1913
SOUTHEAST ALASKA—continued.				
Revilla Fish Products Co.....	Ketchikan.....	Ketchikan.....	410	(1)
Sanborn-Cram Co.....	South Bend, Wash.....	Burnett Inlet.....	22,697	32,750
Shakan Salmon Co.....	Seattle.....	Shakan.....	63,432	51,639
Skowl Arm Packing Co.....	do.....	Skowl Arm.....	16,633	14,140
St. Elias Packing Co.....	do.....	Dry Bay.....	16,579	(1)
Starr-Collinson Packing Co.....	Portland.....	Moir Sound.....	11,489	16,870
Sunny Point Packing Co.....	Ketchikan.....	Chomley.....	21,036	16,665
Swift, Arthur & Co.....	Seattle.....	Ileeta Island.....	8,069	(2)
Taku Canning & Cold Storage Co.....	do.....	Taku Harbor.....	50,131	36,780
Tee Harbor Packing Co.....	Port Blakeley, Wash.....	Tee Harbor.....	38,371	30,508
Thlinket Packing Co.....	Portland.....	Imiter Bay.....	107,157	109,544
Walsh-Moore Canning Co.....	Seattle.....	Ward Cove.....	7,005	9,177
Weiding & Independent Fisheries Co.....	do.....	Ship Wm. H. Smith.....	18,614	(1)
Wiese Packing Co.....	do.....	Rose Inlet.....	49,547	40,336
Yakutat & Southern Ry. Co.....	do.....	Yakutat.....	40,583	51,675
Total for southeast Alaska.....			2,033,648	1,782,898
CENTRAL ALASKA.				
Alaska Packers' Association.....	San Francisco.....	Kasilof.....	* 66,054	* 37,098
Do.....	do.....	Larsen Bay.....	100,945	68,345
Do.....	do.....	Alitak.....	25,513	25,935
Do.....	do.....	Chignik.....	47,513	26,479
Columbia River Packers' Association.....	Astoria.....	do.....	43,197	37,504
Fidalgo Island Packing Co.....	Anacortes.....	Port Graham.....	29,856	26,796
Kodiak Fisheries Co.....	Seattle.....	Kodiak.....	9,673	23,801
Libby, McNeil & Libby.....	do.....	Kenai.....	34,091	25,430
Northwestern Fisheries Co.....	do.....	Orca.....	56,150	45,836
Do.....	do.....	Kenai.....	50,216	27,982
Do.....	do.....	Uyak.....	51,187	31,651
Do.....	do.....	Chignik.....	45,032	26,100
Pacific American Fisheries.....	South Bellingham.....	King Cove.....	43,052	36,667
Seldovia Salmon Co.....	Seattle.....	Seldovia.....	22,583	7,625
Total for central Alaska.....			625,062	447,249
WESTERN ALASKA.				
Alaska Fishermen's Packing Co.....	Astoria.....	Nushagak Bay.....	46,333	47,353
Do.....	do.....	Kvichak Bay.....	40,782	39,823
Alaska Packers' Association.....	San Francisco.....	Nushagak Bay.....	* 178,342	* 185,316
Do.....	do.....	Kvichak River.....	* 207,627	* 207,627
Do.....	do.....	Naknek River.....	* 288,538	* 298,963
Do.....	do.....	Ugaguk River.....	50,350	44,328
Alaska-Portland Packers' Association.....	Portland.....	Nushagak Bay.....	75,761	82,070
Alaska Salmon Co.....	San Francisco.....	Wood River.....	29,700	35,222
Bristol Bay Packing Co.....	do.....	Kvichak Bay.....	52,000	55,890
Columbia River Packers' Association.....	Astoria.....	Nushagak Bay.....	45,459	55,126
Midnight Sun Packing Co.....	Seattle.....	Kotzebue Sound.....	7,662	* 20
Naknek Packing Co.....	San Francisco.....	Naknek River.....	88,853	98,052
North Alaska Salmon Co.....	do.....	Nushagak Bay.....	32,127	37,294
Do.....	do.....	Kvichak River.....	70,323	79,335
Do.....	do.....	Lockanok River.....	63,421	77,738
Do.....	do.....	Ugaguk River.....	22,696	28,774
Northwestern Fisheries Co.....	Seattle.....	Nushagak Bay.....	43,058	45,877
Pacific American Fisheries.....	South Bellingham.....	Port Moller.....	(1)	44,119
Red Salmon Canning Co.....	San Francisco.....	Ugashik River.....	42,384	* 41,019
Total for western Alaska.....			1,395,931	1,509,038

1 Not operated.

2 Operated in 1913 as mild-cure station only; firm name changed to Swift-Arthur-Crosby Co.

3 Also packed 45 cases of Dolly Varden trout.

4 Also packed 54 cases of Dolly Varden trout.

5 Two canneries.

6 Three canneries.

7 Also packed 1,326 cases Dolly Varden trout.

8 Also packed 700 cases Dolly Varden trout.

9 Also packed 75 cases Dolly Varden trout.

Salmon canneries in Alaska and output for years 1912 and 1913—Continued.

RECAPITULATION.

	1912	1913
Canneries operated:		
Southeast Alaska.....	51	42
Central Alaska.....	14	14
Western Alaska.....	22	23
Total operated.....	87	79
Total cases salmon packed.....	4,054,641	3,739,185

This table shows that the total number of cases in southeastern Alaska in 1912 was 2,033,648, while the total number of cases packed in southeastern Alaska in 1913 was 1,728,898, a decrease of 250,750 cases. The table also shows that the total number of cases packed in central Alaska in 1912 was 625,062, and the total number of cases packed in central Alaska in 1913 was 447,249, a decrease of 177,813 cases, while in western Alaska, according to this table, the total number of cases packed in 1912 was 1,395,931, while the total of cases packed in western Alaska in 1913 was 1,509,038, an increase of 113,107 cases.

According to the recapitulation here this table shows that the total amount of salmon packed in Alaska in 1912 was 4,054,641 cases, and in 1913, 3,739,185, a total loss for the year of 315,456 cases.

In this statement in the Pacific Fisherman showing the pack of salmon for 1913, it appears that around Puget Sound there were put up 2,583,463 cases. The output on the Columbia River, as shown by this, was 4,244; the output in California was 6,776; the output on the Sacramento River was 950; and the output in Alaska was 3,646,000; the output of British Columbia was 1,590,000. There was a total output of 8,063,447 cases of salmon of 48 pounds to the case, of which Alaska put up 3,646,000 cases, or almost 50 per cent of the total amount of salmon canned on the Pacific coast. A gentleman stated the other day to the Committee on the Public Lands of the House in regard to the halibut fisheries at Ketchikan, that three-quarters of all the halibut sold on the Atlantic coast came from Alaska. There is the greatest food supply in the world out there—that is, of fish—if they could only be protected and preserved.

The only point I have to make this morning is against the continuance of this matter and against any further delay. That has been the trouble all the time. These gentlemen claim they can not get here except at certain seasons of the year. I have never seen anybody here except the gentlemen who are here now, with the exception of Capt. Moser. With that exception I think you see all here now whom you are going to see, all of them you will ever see.

Their whole object is to postpone and delay and prevent the passage of legislation by Congress for the protection of these fisheries in Alaska. Why? Because now there is a grab going on out there for fish. There are so many canneries that there is a great deal of competition among them. Everybody is grabbing after fish. The law is fixed to suit them; they can take all they want, and it does not cost them much to do it. If they can just be left in a position where

they have absolute control of all the fisheries in Alaska, they will take care to get their share of those fish.

Mr. WATKINS. I would like Judge Wickersham to explain how the provisions of this bill will protect that fishing industry?

Mr. WICKERSHAM. This bill has been laid aside by the committee and is not to be taken up any further this session. The provisions of this bill would not do that. The provisions of this bill simply imposes a reasonable tax on salmon canners in Alaska for the support of the Government there; that is all. This bill would not do what you suggest.

Another bill would have to be introduced. A bill is before Congress—or at least it was before the last Congress—which would have the effect, to some extent at least, of protecting these fisheries.

The CHAIRMAN. I will state here that we have before this committee a bill (H. R. 153) for the protection and regulation of the fisheries of Alaska.

Mr. WICKERSHAM. That was the original bill introduced in the Senate and not the bill which the Senate committee finally agreed upon.

The CHAIRMAN. We are dealing with the general proposition, and the question before the committee now is as to whether or not we shall take the matter up now and proceed with it, or wait for further information and wait for the action of the Bureau of Fisheries, the Commissioner of Fisheries, and also, incidentally, for the report to be made by Dr. Jones, the Deputy Commissioner of Fisheries. Dr. Jones is here now, and upon that proposition, Dr. Jones, as to whether we should take the matter up now and proceed with it, or wait for further information, we will be glad to have your statement.

STATEMENT OF CONGRESSMAN C. F. CURRY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA.

Mr. CURRY. Before Dr. Jones presents his proposition, I would like to say a word or two in regard to this matter.

Of course, we know that all of this sort of fishing in the United States is the deep-sea fishing with power boats, with pound-net traps alongshore in the mouths of the rivers. Whether or not that ought to be stopped I do not know. It looks to me now as if it ought to be limited to some extent. Personally I am willing to take the judgment of the commissioner, and when the commissioner is ready to report I will be guided to great extent by his report.

This is a matter of a great deal of importance to the people on the Atlantic coast and to the people on the Pacific coast and to the people of the United States in general, as to the food supply of fish, how it is being handled, and things of that sort. I know about the Sacramento River situation, and I know it is not the fisheries in the Sacramento which has depleted the supply of salmon in that river.

The salmon like clean water. For a great many years, until recently, the cities along the Sacramento River used to empty all their sewers into that river. That was stopped by law, because it was detrimental to the health of the citizens as well as the fish. The Sacramento River is the fourth in commercial importance in the United States. A great many boats go up and down that river. They use oil instead of coal for power. They used to discharge the oil on the

river, and the salmon could not stand that. That has been stopped by law. Then came the reclamation of the land, and then the water of the river was used for irrigation, and then there was the use of the waters from the headwaters of the Sacramento for power plants, and it became necessary to put obstructions in the river so that the fish could not get to the spawning grounds. Last year we put into the Sacramento 400,000,000 small salmon fry. We found they could not be put into the headwaters of the river, and so we have a substation hatchery at Sacramento city and we put them in there to see whether the fish could get down and out into the stream.

The Pacific salmon are different from the salmon on the Atlantic coast. After they spawn they die. They never go back to sea. We have thought out there that if we save enough for spawning purposes, the rest might as well be caught for food consumption.

In all of California, particularly on the Sacramento River, they do not permit any fish to be caught on Saturday and Sunday. They stop the catching of fish two days in the week by any means, except, of course, by individuals by hook and line. In addition to that, there are 15 days in the latter part of the year—either in November or December, I am not sure which—when no fishing at all is permitted.

So it is the conditions which have depleted the fish in the Sacramento River. And yet the Sacramento River is a great salmon stream. We do not can much salmon on the Sacramento, but we salt immense quantities. The salmon in Alaska are the same as they are in California. They are the same kind of salmon. They go to sea and at the end of three or four years they come back to the spawning grounds. After they spawn they all die.

I am as much interested as anyone in seeing the food supply conserved, and the salmon is a food supply not only for California, but it is one of the foods that has not increased in price, and it is a nourishing food and a healthful food. You can buy it in Washington now for the same price you could for the last 10 years.

I do not believe if the gentlemen would give their testimony that we would be ready to act until we heard from the Bureau of Fisheries; until we had the report of the commissioner or Dr. Jones's report. I do not see how it is proposed to assist us in determining whether section 52 of this act should be validated. It is possible that we may want to hear these gentlemen now rather than have them return. I do not believe in delay; as you know, I would like to have the committee act as quickly as it is feasible to act in this matter. Unless the department is ready to give us advice, I do not think we ought to go ahead and act just simply on the statements of the gentlemen who are here. However, I will be guided by the judgment of the members of the committee. I simply wanted to make a statement in reference to the salmon streams. Every fourth year there is a great return of the salmon to the spawning grounds, but after that, each year that is decreased. Whether there is coming to be less and less in Alaska I do not know. I do know the reason why there are not so many salmon in the Sacramento River as there used to be, and I have explained that to the committee.

The CHAIRMAN. We would like to hear Dr. Jones this morning, but before Dr. Jones proceeds, I think Mr. Dorr, of Seattle, desires to make a short statement.

**STATEMENT OF MR. CHARLES W. DORR, OF SEATTLE, WASH.,
REPRESENTING ALASKAN CANNERIES.**

The CHAIRMAN. Will you please state your name, your residence, and whom you represent?

Mr. DORR. My name is Charles W. Dorr; I live at Seattle, Wash.; and I am representing a large number of Alaskan salmon canneries.

Mr. Chairman and gentlemen of the committee, I have been interested in this subject for a number of years, and I have been here before, as Judge Wickersham has intimated, at previous hearings.

The first law, I think, tending to regulate the fisheries of Alaska was adopted by Congress in 1896. Ten years after that there was a comprehensive bill put through, and that is the present law in Alaska.

I was then here representing, as I do now, fishing interests in Alaska. I was here about two months at that time. We had some extended hearings before the House Committee on Territories, and finally it was suggested by the then chairman of this committee that the matter referred to the Department of Commerce and Labor, as it was then constituted, and the department be requested, and the representatives of the fishing interests, to go over this matter together, and endeavor, if they could, to arrive at some common understanding with relation to the various provisions that ought to be included in a general fishing act.

It is as much to the interest, and I think I may say more to the interest, of the men who have their capital invested there in canneries and shop equipment, which has cost them a good many millions of dollars, to preserve that industry, as it is to the interest of any other class of people. We have always realized that, and in 1906 we met the representatives of the Department of Commerce and Labor and discussed these various phases of the matter with them in a frank and open manner, and it resulted in a bill coming back to the Committee on Territories of the House as it was then constituted, that bill having been agreed to at the joint conference which lasted about two weeks, and that bill became a law without any further amendment or further suggestion by the committee, the committee being satisfied with it as it was presented. That was in 1906, Mr. Chairman, and it has remained the law to this time.

In 1912 the counterpart of this bill, No. 153, was introduced in both Houses. It came into the Senate as the so-called Jones bill, known and identified as Senate bill No. 5856. It came into the House by the introduction of the same bill by Mr. Flood. We had hearings at the time before the Senate committee; at the request of the committee we came on here. I was here again at that time, and a good many of the other gentlemen were here, and we spent about two months on these hearings, also in 1913, which are included in the book which Judge Wickersham has presented, showing the volume of those hearings. We were again referred back to the Department of Commerce and Labor. The bill you have before you, Mr. Chairman, which is a tentative bill, is the result of that second conference in 1913. That tentative bill was drawn after most careful deliberation by the Bureau of Fisheries and the various gentlemen representing the fishing industry here at that time. Unfortunately that bill failed of passage. We were satisfied with it; at

least we conceded many points, and they conceded some things to us, and we made it a compromise bill.

MR. WICKERSHAM. Was the bill ever reported in either House?

MR. DORR. No, sir. It came back to the Committee on Fisheries in the Senate, but owing to the press of business, as I understood it, it never reached a report, and it died with the last Congress. However, we came back a year ago and had some further hearings. That was before the bill was finally drafted.

Now, there has never been in the past, and there is not now, gentlemen of the committee, any demand on our part for delay. We do not ask for any delay at all. There never has been in the past, and there is not now any demand for delay, except such proper delay in this instance as I am going to call to your attention in regard to this present bill.

We were asked to come here this time not with respect to this fishing bill, No. 153. We did not know there was any disposition on the part of the committee or on the part of anyone else to take that bill up at this time.

It was not until 48 hours ago that we learned that there was any desire on the part of anyone to take up bill No. 153 at this time. We did come here to discuss the bill No. 11740, because that affects our taxes to such an extent that we felt it was necessary and proper for us to come before you gentlemen as members of the committee having jurisdiction of this bill, and explain the reasons which appeared to us to be good why the act of the Legislature of the Territory of Alaska embodied in chapter 52 should not be ratified by Congress.

I have not understood from anything Judge Wickersham has said in his opening statement that the question of taxes is now involved. He has talked entirely upon the question of regulation. The bill that is now a law, which was passed in 1906, has been found to be reasonably sufficient by the representatives of the Department of Commerce. We discussed with the representatives of that department the Jones bill and the original Flood bill, which resulted in the composition bill I have last referred to, the one we all agreed to.

Finally, Mr. Charman, to go into this general question as to whether the traps shall exist, where they shall be built, how they should be built, and all the multiplicity of things that are involved in the whole fishing subject—I say it is not fair to us to bring us here on a question of this kind, on a 48-hour notice, with our fishermen in Alaska, or on their way there at this season of the year, if you intend to go into this whole subject *de novo*. If it is simply a question in regard to section 1 of the bill H. R. 11740, we are ready on that. We were under the impression that the matter had been disposed of heretofore by the committee, and we do not think that this is an opportune time, from our standpoint or from the standpoint of the Government, which is about to make a reinvestigation of the fisheries in Alaska, to take up the general consideration of all these various details which are involved in the main fisheries questions.

There is no urgent need for it. We are prepared to show that Judge Wickersham is mistaken in many of the statements he has assumed to make this morning. We want to do that in a way that

will be convincing to you. We do not want you to take our individual statements as the representatives of the men who are up there, but rather to hear some of them personally, and to get the knowledge at first hand, if you may. We are prepared to make our own statements in regard to this matter, and to make our arguments in regard to it, with your permission, at the appropriate time, and we hope that Congress will deal with the whole subject in such a thorough and comprehensive manner that a new bill need not be introduced in the next few years, after the existing laws have been revised after due deliberation.

It is a great industry, as Judge Wickersham has said, a great industry. Capt. Moser testified at these hearings two years ago, and he frankly stated that while in 1898 he had made these statements referred to this morning by Judge Wickersham, that experience and observation had since convinced him that his prophecies were wrong, that these streams were not depleted then nor are they now. I do not desire at this time to discuss the merits of the question or to answer Judge Wickersham on the merits of the proposition at all.

MR. WATKINS. With you permission, Mr. Chairman, I would like to ask in regard to sections 1 and 2. What is the difference between those two sections?

THE CHAIRMAN. Judge, the committee acted upon this bill when you were away. It struck out the first section and reported this second section, and that deals with the question providing for the collection of taxes in Alaska.

MR. DORR. To which we made no objection. This bill 153, however, involves every possible phase of the fishery question, including all manner of regulations, and we would like very much, if it is consistent with the views of this committee, and if it meets with the approval of the Department of Commerce, that this general hearing might be deferred until we can get together fully prepared. We have come a long distance, of course, 3,000 miles, but we are willing to come again, and I think that you must all agree with me that the appropriate time to discuss a matter of this kind comprehensively is in the wintertime when our men are available, rather than when they are in Alaska beyond our reach.

MR. CURRY. May I ask a question?

MR. DORR. Certainly.

MR. CURRY. I do not know what you represent up there. Is it the Alaska Packers' Association?

MR. DORR. No, sir: I do not represent the Alaska Packers' Association (which is a corporation). I represent the Association of Alaska Salmon Packers, which is composed of a great many of the smaller packers—-independent packers. There is no Fish Trust in Alaska. Judge Wickersham is mistaken about that.

MR. CURRY. I would like to know if there are hatcheries maintained in Alaska for the propagation of salmon?

MR. DORR. There are five private hatcheries and two Government hatcheries now maintained in Alaska. Of the five, two of them are owned and operated by the Alaska Packers' Association, of San Francisco, and the other three by other salmon canners outside of the association.

MR. CURRY. They are trying to keep up the supply.

Mr. DORR. They are trying to do that very thing, Mr. Curry, and they built those hatcheries under the direction and orders of the Secretary of the Treasury of the United States when he had jurisdiction over that subject.

Mr. WICKERSHAM. That was built before he had jurisdiction—before the act of 1896 was passed.

Mr. DORR. The Secretary of the Treasury had jurisdiction before the Department of Commerce and Labor was organized.

Mr. JOHNSON. You spoke of not being prepared with witnesses now, in view of the fact that the fishing season is on. What time does it close?

Mr. DORR. They will be returning about November.

Mr. JOHNSON. Would it be impossible to get them here during this session of Congress?

Mr. DORR. Yes, sir; it would be a physical impossibility.

Mr. WICKERSHAM. None of them have gone yet?

Mr. DORR. Oh, yes.

Mr. WICKERSHAM. I thought they did not go until May.

Mr. DORR. Oh, yes; many of the ships are already off now.

STATEMENT OF MR. E. LESTER JONES.

The CHAIRMAN. State your official position, Mr. Jones.

Mr. JONES. I am United States Deputy Commissioner of Fisheries, second in authority in the bureau. As already outlined in my letter to the chairman of this committee, the Secretary has placed under me the direct supervision of all the fisheries, the fur-bearing animals, and the fur-seal islands of Alaska.

At times a number of Members of Congress have asked the Secretary of Commerce to send some one to Alaska who would with his own eyes see the whole work of the fisheries. Before that time the Secretary had talked with me at length in reference to this matter, and, although he had not made it public, he had practically authorized me to make this trip this summer. In our talk it was decided that I should visit every hatchery, as many of the canneries as seemed necessary, the one fertilizer factory, the salteries, halibut stations, herring stations, etc. My plan is already outlined, my itinerary practically made, and I am thoroughly alive to the situation. I can not impress on you gentlemen too strongly the fact that I realize the great problem and the great work that is before me, and I go into it with absolutely no prejudice in my mind. I realize the opportunity offered me to do something real and beneficial for the Government and for the information of Congress, and I will report conditions just as they are.

I talked this matter over with Judge Wickersham some time ago, and I understand he is in thorough accord with my trip and urged that every possible assistance be given me by the Secretary, furnishing me with the proper vessel, etc., so that I would not be hampered in any way. I believe, further, that Judge Wickersham is in favor of the Government having jurisdiction over the fisheries as well as the fur seals. If that be the case—and I think I am right—I am sure he will trust me enough to carry out the objects and motives of this trip and believe that I will make a fair, full, and comprehensive report of my trip there this summer.

Mr. OGLESBY. In the hearing this morning I took some of the statements to mean a sort of warning to you, that they knew you were going to come out there.

Mr. WICKERSHAM. That did not imply any distrust in Dr. Jones, but in the fellows out there who intended to keep things out of his sight.

Mr. JONES. I did not take it so. I think it is as much my duty to see that the fishing interests have justice as it is to make suggestions that would prove detrimental to them, and I will try to do my duty with as even a balance as I possibly can.

I think it would be obviously improper for me at this time to go into details as to what I believe ought to be done. It would destroy largely the object of my trip. I fully realize, from my experience in studying the fishing industry on the Atlantic Coast and in the inland States, that lots of these regulations might apply to the waters of Alaska, but I am going there to see these things before I suggest.

Now, another question. The trouble has been largely, in the past, that too many men, in giving information to committees of Congress—and I am speaking now partly of the bureau—have only been able to take into consideration smatterings of this great fishery question. It is the object of Secretary Redfield that I see every feature of this work, so that when the chairman or members of these committees call for information I am supposed to know—and I will try to know, if I can carry out the plans—every point relative to these questions, and there will be no necessity of calling on so many as in the past.

Mr. OGLESBY. How long do you expect to stay up there?

Mr. JONES. Approximately five months. That is about the season, and I am regulating my trip so as to fit in at opportune times at the different places. I do not know that I have much else to say. I earnestly request, if it meets with your approval, sir, and the approval of the committee, that you postpone action on this matter. I am sure it is the wish of the Secretary, because that is the object of my trip. Regarding this bill 153, Mr. Flood, its patron, and who knows me quite well, sent for me. I took the matter up with reference to my trip, and he thoroughly approves of it; and he said he was in favor of postponing any action on his bill until after I returned.

Mr. GUERNSEY. May I ask, Doctor, if you have had any experience at all with the practical working of this fisheries industry?

Mr. JONES. I have had about 20 years' experience in the practical side of the work. I am not a scientist by education—I never took that feature of the work up—but the science I have acquired has been from practical contact with the fishing interests, and I also have been abroad and studied some of the conditions there, which has helped me. I have been identified with this bureau about a year.

Mr. JOHNSON. Does the Government have representatives in Alaska on the ground now, looking after the fishing interests of Alaska there?

Mr. JONES. Yes, sir; we have one agent and several inspectors and wardens. In defense of the bureau in the past I will say the fact that we have not given as much attention to the work as we should have given is entirely on account of the inadequate personnel,

and the fact that we had no vessels with which to patrol the waters in that great Territory.

Mr. JOHNSON. As the Government increases its activities in all lines of the business, will not that same complaint come continuously from all departments and all bureaus?

Mr. JONES. We have asked in the sundry civil bill, which is now before the Appropriations Committee of the House, for additional inspectors and wardens; also for a sum to build three boats. If that is granted—and it is so essential that it should be—it will make our service very much more efficient and help us to carry on the work of propagation, inspection, and work in general to a greater and more satisfactory degree.

The CHAIRMAN. We are very glad to have had you with us and to have heard your statement in regard to this matter. Now, gentlemen of the committee, I am ready to hear any suggestion or motion that you may desire to make.

Mr. WATKINS. In view of Dr. Jones's statement, I think we ought to defer the matter until he returns.

Mr. OGLESBY. I would like to say this: There is one feature I would like to bring before the committee in executive session at such time as it may suggest. I do not know that it would act in accordance with any suggestion I might make, but at the same time there is some information I would like to have as to the general feeling of the committee on the subject.

Mr. WICKERSHAM. The only thing I desire to say before Dr. Jones leaves is that he will go up to Alaska and be gone all summer. That postpones any action in regard to these fisheries until the next session in December. That will be the short session. Now, I realize that if the Fisheries Bureau—if the Secretary of Commerce—takes hold of the matter industriously in December, January, and February we might get a bill through; but it will require the strong, active support of the Secretary of Commerce and the Bureau of Fisheries to get legislation for the protection of these fisheries in Alaska. I call attention to that because I am very earnestly in favor of it.

The CHAIRMAN. In that connection I would suggest that if the deputy commissioner is ready to make his report, which we think he will be, before the December session, that we will have from that time until the adjournment in March to prepare and pass a bill on this subject. Of course, this committee ought to be diligent and be ready to go to work on this matter forthwith. It will be a matter that will call for a good deal of investigation and probably many hearings, and we should be ready to go to work on this matter at the beginning of the session and be ready to have the hearings in December and January. These gentlemen say they desire to be heard in the wintertime—during the months of December and January—and we should accommodate them.

Mr. WICKERSHAM. Now that Mr. Britton, Mr. McCord, Mr. Dorr, the secretary of the Alaska Packers' Association, and the other gentlemen representing the various Alaska canneries are here, I think they ought to take notice that this matter will come up, if not now, at least in December, and they ought to be here, and I want the record to show that they are given that notice.

The CHAIRMAN. The committee will take the matter up as soon as possible, and these gentlemen will understand that we will take the matter up forthwith as soon as practical.

Mr. BRITTON. Mr. Wickersham has put in the record several times that the fishing industries have been unduly delaying this matter. I want to state in the record that the fishing industries have been willing at all times to attend the committee meetings in Washington and help through sensible legislation on this subject. They have had their representatives here time and time again, whenever the committee wanted them, and they are ready now to appear before you whenever you want them. They suggest the best time is in the winter, when the men are available. I do not want the record to show they have not been diligent and ready to appear.

Mr. WICKERSHAM. Do I understand December will be satisfactory to you, if the matter is not taken up now?

Mr. BRITTON. Yes; that will be satisfactory.

(The committee thereupon adjourned.)

COMMITTEE ON THE TERRITORIES,
HOUSE OF REPRESENTATIVES,
Tuesday, April 7, 1914.

At a meeting of the committee at 10.30 a. m., Hon William C. Houston presiding, Mr. Johnson asked permission to add to the report of the hearings as held on Friday, April 3, certain letters and telegrams with reference to a telegram presented by him on March 31, 1914, and signed as follows:

P. B. Gill, secretary Halibut Fishermen's Union of the Pacific (containing 1,500 members).

P. E. Olsen, agent Alaska Fishermen's Union (containing 2,500 members).

New Seattle Chamber of Commerce, C. B. Yandell, secretary.

Mr. JOHNSON. The statement having been made in these hearings that the Alaska Fishermen's Union is a dummy and a paper union, I desire to present certain statements to the contrary. I have asked the officers of the American Federation of Labor for statements with regard to this union, and as soon as replies are received I desire to add them to the reports of the hearings held April 3.

There was no objection.

(The telegrams and correspondence follow:)

APRIL 7, 1914.

HON. WILLIAM E. HUMPHREY,

House of Representatives, Washington, D. C.

MY DEAR COLLEAGUE: During the hearings before the House Committee on Territories on a bill to validate certain changes of the legislation of the Territory of Alaska, I introduced a joint telegram, signed by secretary of the Halibut Fishermen's Union of the Pacific and by the Seattle agent of the Alaska Fishermen's Union.

The telegram states that the organization first mentioned has 1,500 members and the second organization 2,500 members. The weight of these telegrams was questioned by Delegate Wickersham, and at the continued hearings held one week ago, Mr. Wickersham said:

"There are some telegrams here from people who claim to be members of the Alaska Fishermen's Union in Seattle and San Francisco. There is no such thing as an Alaska Fishermen's Union in that country except as a dummy.

* * * It is very easy to get up an Alaska Fishermen's Union and send a telegram down here to Washington."

I would like to have some information about these unions. I know P. B. Gill and of his connection with the Seamen's Union, and have always understood that there were actual agencies of the fishermen's unions in Seattle, Astoria, and elsewhere. Perhaps you can inform me. I am also asking Frank Morrison, secretary of the American Federation of Labor, in regard to this matter.

Yours, cordially,

ALBERT JOHNSON.

APRIL 7, 1914.

HON. SAMUEL GOMPERS,
President American Federation of Labor,
Washington, D. C.

DEAR MR. GOMPERS: My colleague, Mr. Johnson, has written to me concerning the Alaska Fishermen's Union and the Halibut Fishermen's Union, asking particularly if these organizations are affiliated with your federation. I know of no better way to secure the information than the reference of his letter to you.

Yours, sincerely,

W. E. HUMPHREY.

AMERICAN FEDERATION OF LABOR,
Washington, D. C., April 9, 1914.

HON. W. E. HUMPHREY,
Washington, D. C.

MY DEAR MR. HUMPHREY: Your letter of April 7 to President Gompers received, also your communication from Hon. Albert Johnson and communication to Mr. Johnson with resolution attached.

I submitted this matter to Andrew Furuseth, who represents the seamen, and he furnished me a reply in which he states that the Alaska Fishermen's Union is a bona fide organization affiliated to the International Seamen's Union of America, and has a membership of 3,000 members. Attached find copy of his communication to me, which covers this subject.

I am herewith returning the inclosures which accompanied your letter.

Yours, very truly,

FRANK MORRISON,
Secretary American Federation of Labor.

AMERICAN FEDERATION OF LABOR,
Washington, D. C., April 9, 1914.

HON. ALBERT JOHNSON,
Washington, D. C.

MY DEAR MR. JOHNSON: You will recollect we had a partial conversation with President Furuseth the other evening at the committee room. I herewith attach copy of Mr. Furuseth's letter, which demonstrates clearly that the Alaska Fishermen's Union is a bona fide organization with 3,000 members, affiliated to the International Seamen's Union, which holds a charter from the American Federation of Labor.

Yours, very truly,

FRANK MORRISON,
Secretary American Federation of Labor.

INTERNATIONAL SEAMEN'S UNION OF AMERICA,
April 8, 1914.

FRANK MORRISON,
Secretary American Federation of Labor,
Washington, D. C.

DEAR SIR AND BROTHER: Yours of the 7th instant inclosing a resolution adopted by the San Francisco Labor Council relative to H. R. 11740, and inquiring about the standing of the Alaska Fishermen's Union, has been received.

The Alaska Fishermen's Union is an old organization with headquarters at San Francisco, and branches at Astoria, Oreg., and Seattle, Wash. It has a membership of about 3,000, and is affiliated to the International Seamen's Union of America. They are organized for mutual protection and to regulate the hours of labor, compensation, and the conditions of employment while fishing salmon in Alaska. They leave San Francisco, Astoria, and Seattle in the spring and return in the fall along with the catch. Some of their members live in Alaska all the time. They have just completed a three-year agreement with the cannery owners, and have entered into another that is to last four years. These agreements are entered into through a committee elected by the union and such representatives as are selected by the employers. The committee of the union reports back and adoption or rejection of the agreement is acted upon by secret ballot.

Probably about one-third of them are sailors and members of the Sailors' Union of the Pacific; they go to Alaska fishing in the summer and work as sailors on coasting vessels during the winter.

Hoping that this information will satisfy Representatives Curry and Johnson, I am,

Fraternally, yours,

ANDREW FURUSETH,
President International Seamen's Union of America.

ALASKA FISHERMEN'S UNION,
Seattle, Wash., March 30, 1914.

HON. ALBERT JOHNSON,
United States Congressman, Washington, D. C.

HONORABLE SIR: As per instruction of the Alaska Fishermen's Union inclosed herewith please find a set of resolutions which in themselves are explanatory.

The fishermen earnestly ask your favorable support of these resolutions, to the end that some justice may prevail.

Respectfully and sincerely,

P. E. OLSEN,
Agent Alaska Fishermen's Union.

Whereas there is now pending in Congress a bill (H. R. 11740), the purpose of which is, as set forth in its title, "To cure defects in and to validate chapters 52 and 54 of the acts of the Legislature of the Territory of Alaska, approved by the governor of the Territory of Alaska May 1, 1913, and for other purposes"; and

Whereas chapter 54 of the acts herein referred to provides for a poll tax upon male persons in the Territory of Alaska; and

Whereas we are informed that it is the intention of the authorities of Alaska to collect said poll tax from fishermen temporarily employed in the waters of the Territory of Alaska: Therefore be it

Resolved, by the Alaska Fishermen's Union, in regular meeting assembled at headquarters, San, Francisco, Cal., March 20, 1914, That we protest against the imposition of a poll tax upon fishermen temporarily employed in the waters of Alaska for the following reasons:

1. Said fishermen are not residents of Alaska.
2. They derive no benefit from the government of Alaska.
3. The Territory makes no provisions for their care or well-being.
4. Said fishermen in conjunction with their employers are wholly dependent upon their own resources for the provisions and maintenance of the facilities necessary in the pursuit of their vocation and for their care during periods of sickness.

5. Said fishermen are citizens and residents of the United States and as such are subject to the payment of poll tax and all other taxes at their respective places of residence; further, be it

Resolved, That we urge upon Congress the justice of withdrawing its approval of the said chapter 54 of the acts of the Legislature of the Territory of Alaska, as a measure at once unjust in that it would tax persons who have no voice in making the laws of the Territory and burdensome in that no service of any

kind is guaranteed by the Territory in return for the revenues thus proposed to be exacted from the fishermen; further, be it

Resolved, That copy of these resolutions be presented to each Member of the House of Representatives and of the United States Senate from the States of California, Oregon, and Washington with request for favorable action thereon, and that approval of the act herein referred to be withheld.

[Telegram.]

SEATTLE, WASH., April 7, 1914.

HON. ALBERT JOHNSON, *Washington, D. C.*:

Signature in telegram of March 18 should be P. B. Gill. Erroneously transmitted as G. B. Gill.

SEATTLE CHAMBER OF COMMERCE.

STATEMENT BY DELEGATE WICKERSHAM.

The effort in the foregoing correspondence and resolutions to give the San Francisco and Seattle "Alaska" Fishermen's Union a creditable standing as a genuine Alaska organization is answered by the statements in the last series of resolutions therein. Notice how thoroughly they repudiate Alaska and its government in the resolution:

Resolved, by the Alaska Fishermen's Union in regular meeting assembled at headquarters, San Francisco, Cal., March 20, 1914, That we protest against the imposition of a poll tax upon fishermen temporarily employed in the waters of Alaska, for the following reasons:

1. Said fishermen are not residents of Alaska.
2. They derive no benefit from the government of Alaska, etc.

Now, what do you think of that for an "Alaska" organization?



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